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Attorneys for Plaintiff, Jose Magallanes

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA**

JULIA DOWNS, individually, and on behalf of
all others similarly situated,

Plaintiffs,

vs.

GUARANTEED RATE, INC. and DOES 1
through 50, inclusive

Defendants.

Case No.: 21CV003476

Assigned to: Hon. Karin Schwartz
Dept: 20

**DECLARATION OF TAE KIM IN
SUPPORT OF PLAINTIFFS' MOTION
FOR APPROVAL OF PAGA
SETTLEMENT AND ENTRY
OF JUDGMENT**

Hearing Date: August 6, 2025
Time: 3:00 p.m.
Judge: Hon. Karin Schwartz
Location: Dept. 20

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I, Tae Kim, hereby declare as follows:

1. I am a partner with the law firm, Collins Kim LLP, one of the counsels of record for the one of the named plaintiffs, Jose Magallanes (“Plaintiffs”) in the above-captioned action, *Julia Downs and Jose Magallanes v. Guaranteed Rate, Inc.* I make this declaration on the basis of personal knowledge, except as to those matters stated on information and belief. If called as a witness, I could and would readily and competently testify to all matters stated in this Declaration. I make this declaration in support of Plaintiffs’ Motion for Approval of PAGA Action Settlement.

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1 Thereafter, the parties reengaged mediation discussions and ultimately agreed to mediation
2 again, this time with Lisa Klerman in September 2024. The parties participated in the
3 mediation. Ms. Klerman tendered a mediator's proposal, which was ultimately unsuccessful.
4 The parties ultimately reached a settlement in the months following the mediation.

5 7. Counsel has conducted a thorough investigation into the facts of this case.
6 Defendant classified him (and other aggrieved employees) as exempt based on the outside sales
7 exemption. In order to meet the outside sales exemption, the reasonable requirements for
8 Plaintiff's and other aggrieved employees' job duties would require them to spent more than
9 50% of their time in the field engaged in sales related activities. Plaintiff alleges that the
10 majority, if not all of his work time was spent from his home office engaged in sales activities,
11 and that he consistently worked 12 plus hour days. Defendant countered that their unequivocal
12 expectation was that Plaintiff and aggrieved employees were to be in the field the majority of
13 their work time.

14 8. Based on a review of thousands of pages of documents, depositions conducted
15 in the arbitration, and our own independent investigation and evaluation, Counsel is of the
16 opinion that the settlement is fair, reasonable, and adequate. Furthermore, in light of all known
17 facts and circumstances, the risk of significant delay, trial risk, appellate risk, and the defenses
18 that could be asserted by Defendant, the settlement is in the best interests of the Settlement
19 Class Members. The settlement negotiations were at arm's length and, although conducted in a
20 professional manner, were adversarial. The Parties went into mediation willing to explore the
21 potential for a settlement of the dispute, but each side was also prepared to litigate its position
22 through trial and appeal if a settlement had not been reached. During mediation, Ms. Klerman
23 discussed the merits and risks of the claims and defenses. Based on Plaintiffs' counsel's
24 investigation, discovery, and experience, we were able to act intelligently and effectively in
25 negotiating the proposed settlement.

26 **ATTORNEY'S FEES AND COSTS**

27 9. The Settlement provides for attorneys' fees in an amount up to \$155,750 plus
28 reasonable and actual litigation expenses not to exceed \$5,000. Of that, Collins Kim seeks a

total of 18,197, consisting of \$17,132.50 in attorney's fees and costs of up to \$1,064.50.

10. Based on my experience, I believe the fees and costs requested are reasonable. The fee percentage requested is less than that charged by Collins Kim for other plaintiff's side employment cases.

11. Furthermore, Counsel invested significant time and resources into the case, with payment deferred to the end of the case, and then, of course, contingent on the outcome. Without Counsel's efforts, the claims as alleged in the complaint would almost certainly have gone without remedy.

12. I maintained contemporaneous time records during the pendency of this case. I reviewed those records and to date, Collins Kim has spent 58.6 attorney hours on this case. During the pendency of this case, my billing rate ranged from \$635 to \$750 per hour. Ninety-nine percent of clients who were or are billed on a hourly basis paid that range.

13. The time Collins Kim spent litigation this case was spent on the following tasks: interviewing Plaintiff and reviewing documents provided by Plaintiff; drafting the complaint; reviewing thousands of employment records produced by Defendant; preparing discovery, opposing Defendant's motion to stay, preparing a motion to compel discovery responses, and reviewing and preparing other pleadings; review and revising settlement documents; performing legal research regarding Plaintiff's claims and Defendant's defenses thereto; drafting two mediation briefs and preparing a damages analysis prior to the mediation; attending a private mediation session; preparing for and attending court hearings; reviewing and revising the motion for approval of settlement; and numerous communications with Defendant's counsel to effectuate the terms of the settlement. The time spent in the above activities are as follows:

Fact investigation, aggrieved employee interviews, and legal analysis: 12.8

Preparation of pleadings and motion practice: 16.7

Preparation of written discovery: 2.6

Settlement (mediation, mediation briefs preparation, conferences related to mediation and settlement): 20.2

1 General case administration (conferences with opposing counsel, CMC appearances,
2 motion hearings): 19.1

3 Total: 58.6 hours

4 14. Based on my experience in the settlement administration process, I estimate that
5 Collins Kim will spend another 7 hours on this case at the current hourly rate of \$750.00, which
6 totals \$5250.00, including the administration of the settlement

7 15. The hourly rates for the lawyers at Collins Kim are commensurate with their
8 qualifications and experience. Plaintiff's counsel are experienced litigators who specialize in
9 employment law, with a substantial wage and hour class action practice. I have been a
10 practicing attorney in California since 2000 and I am admitted to practice in the State of
11 California and multiple federal district courts. I have been a civil litigator my entire career and
12 have practiced employment law exclusively, including litigating wage-and-hour class actions,
13 since 2000. Until 2018, my practice was almost entirely defense-side employment work as I
14 was a partner at the national employment firm of Ogletree Deakins. In 2019, along with my law
15 partner Dawn Collins, who was also my partner at Ogletree Deakins, I founded the employment
16 firm COLLINSKIM LLP. Part of our practice includes representing plaintiffs in contingency
17 litigation focusing on plaintiff-side employment cases and wage and hour class actions. Both
18 Dawn Collins and I have extensive experience litigating California wage and hour class actions.
19 While the majority of our class action experience over that last twenty-plus years has been on
20 the defense-side, that experience has afforded us a unique vantage point for critical analysis of
21 claims and defenses, including those in the instant Action. We have extensive experience in all
22 phases of PAGA and class action litigation including pre-trial pleadings and motions,
23 discovery, expert retention and data analysis, mediation, certification procedures, and class
24 settlement. We are currently litigating five other wage and hour class actions and PAGA
25 actions on behalf of putative classes of employees, including the instant Action. The following
26 list, although not exhaustive, is a sampling of some of the other class actions and PAGA actions
27 myself and my law partner have litigated in federal and state courts: *Anderson v. DaVita*, Los
28 Angeles County Superior Court, case no. BC388335 (filed April 2008); *Lockett v. DaVita*, Los

1 Angeles County Superior Court, case no. BC399743 (filed September 2008); *Javier v. DaVita*,
2 Los Angeles County Superior Court, case no. BC400811 (filed October 2008); *Petty v. DaVita*,
3 Los Angeles County Superior Court, case no. BC404459 (filed December 2008); *Guzman and*
4 *Morales v. DIRECTV*, Los Angeles County Superior Court, case no. 410983 (filed April 2009)
5 ; *Castaneda v. The Ensign Group, Inc. and Ensign Facility Services, Inc.*, San Luis Obispo
6 Superior Court, case no. CV110466 (filed Nov. 2012); *Valladares v. Insomniac Inc.; Live*
7 *Nation Worldwide, Inc.*, United States District Court, Central District of California, case no.
8 EDCV-14-0706-VAP (DTBx) (filed March 2014); *Vitale v. Celadon Trucking Services, Inc.*,
9 Los Angeles County Superior Court, case no. BC6583278 (filed May 2015); *Cuellar v. Towne*
10 *Park*, Riverside County Superior Court, case no. PSC1600142 (filed January 2016); *Torres v.*
11 *James Hardie Building Products, Inc.*, United States District Court, Central District, case no.
12 5:16-cv-00138-DSF-KK (filed January 2016); *Fernandez v. Suburban Propane LP*, Fresno
13 County Superior Court, case no. 16CECG00418 (filed February 2016); *Calhoun v. Celadon*
14 *Trucking Services, Inc.*, United States District Court, Central District, case no. 5:16-cv-01351
15 PSG (FFMx) (filed April 2016); *Van Den Hende and Schroeder v. DPI Specialty Foods, Inc.,*
16 *et al.*, San Bernardino Superior Court, case no. CIVRS1304516 (filed June 2016); *Real v. St.*
17 *Jude Medical, Inc.*, Los Angeles County Superior Court, case nos. BC637777 and BC649403
18 (filed October 2016); *Sosa v. Dr. Pepper Snapple Group*, Los Angeles County Superior Court,
19 case no. BC649424 (filed February 2017); *Hall v. SpaceNK Retail Holdings LLC*, Los Angeles
20 County Superior Court, case no. 20STCV05059 (filed February 2020); *Kawata v. Boeing*, Los
21 Angeles County Superior Court, case no. 19STCV11220 (filed April 2019) (pending; partial
22 class certification granted following contested motion); *Hinojosa v. Permanent General*
23 *Companies, Inc.*, Los Angeles County Superior Court, case no. CIVSB2135124; *Leighton v.*
24 *The RealReal, Inc.*, Los Angeles Superior Court, case no. 21STCV11208 (filed March 23,
25 2021); *Hughes v. 4400 WE Technologies, Inc.*, Los Angeles County Superior Court, case no.
26 21STCV45026 (filed December 2021); and *Morales v. Mastroianni Family Enterprises, LD.*,
27 Orange County Superior Court Case No. 30-2022-01286355-CU-OE-CJC (filed October 2022).

28 16. To date, Collins Kim has incurred actual costs in the amount of \$1,064.50.

1 These costs were reasonably incurred in prosecuting the case and consist entirely of filing and
2 service of process fees.

3 **ENHANCEMENT AWARD**

4 17. The Settlement also provides for an enhancement award to Plaintiff in an
5 amount up to \$5,000.00 per Plaintiff. This payment is intended to recognize Plaintiffs'
6 substantial effort and risk in assisting with the prosecution of this Action on behalf of the
7 aggrieved employees. Throughout this litigation, Plaintiff cooperated with counsel and took
8 actions to protect the interests of the aggrieved employees. Plaintiff provided valuable
9 information regarding the working conditions that formed the basis of this Action, participated
10 in several discussions regarding the nature of claims, participated in mediation, and was
11 available to provide additional information and ask questions as needed throughout the
12 litigation. Enforcement of the aggrieved employees' rights provided for in the settlement
13 would not have been possible without Plaintiff's active participation and interests in this case. The
14 requested enhancement award is therefore reasonable to compensate Plaintiffs for their active
15 participation in this lawsuit.

16 I declare under penalty of perjury under the laws of the State of California that the
17 foregoing is true and correct. Executed on July 9, 2025, at Los Angeles, California.

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EXHIBIT A

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Attorneys for Plaintiff, Jose Magallanes

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA**

JULIA DOWNS, individually, and on behalf of
all others similarly situated,

Plaintiffs,

vs.

GUARANTEED RATE, INC. and DOES 1
through 50, inclusive

Defendants.

Case No.: 21CV003476

Assigned to: Hon. Karin Schwartz
Dept: 20

**DECLARATION OF
JOSE MAGALLANES IN SUPPORT OF
PLAINTIFFS' MOTION FOR
APPROVAL OF PAGA SETTLEMENT
AND ENTRY OF JUDGMENT**

Hearing Date: August 6, 2025
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1. I am over 18 years of age. I am one of the plaintiffs in the action titled *Julia Downs and Jose Magallanes v. Guaranteed Rate, Inc.* I am familiar with the information stated in this declaration based on my own personal knowledge.

3. Through my experiences while working at GRI, I became familiar with GRI's policies and its business model as it relates to the work and expectations of mortgage bankers in California who GRI classified as outside salespersons.

5. I first agreed to be a representative of the Aggrieved Employees in or around August of 2021. I have spent a significant amount of time meeting with my lawyers to provide documents and information about my own experience working for GRI, providing background about GRI, its structure and operations that I obtained through my experiences and my own independent research, my observations with regard to other employees classified as outside salespersons; shared my knowledge of GRI's policies and practices, identify numerous

1 witnesses; participated in an entire day of mediation, and continued to provide input while my
2 attorney was investigating the claims in this lawsuit.

3 6. I reviewed the Complaint that was filed in this action, I understand the theories
4 of the case, and from the inception of this case, I have freely chosen to act as a fiduciary for the
5 Aggrieved Employees and to accept the risks of being their representative. I took this
6 responsibility seriously and I chose to accept these risks and pursue claims on behalf of the
7 Aggrieved Employees and to help vindicate our rights because I firmly believed that I, along
8 with other Aggrieved Employees were mistreated by GRI. If this case did not settle, I was
9 prepared to further assist my lawyers and the Aggrieved Employees by providing any
10 additional factual insight, and working with my lawyers through trial. I anticipate I have spent
11 in excess of 45 hours conferring with my lawyers about this case.

12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct. Dated this 9th day of July 2025 at Los Angeles, California.

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