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

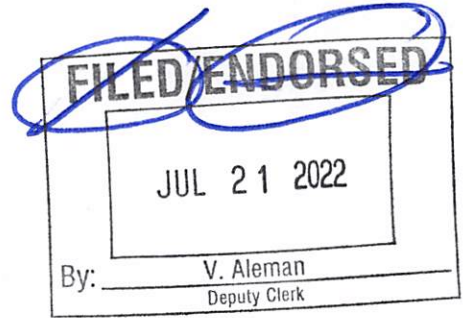
TONG XIONG, individually, and on behalf of all
others similarly situated,

Plaintiff,

v.

REX MOORE, ET AL. GROUP, INC., a
California corporation, CONSTRUCTION
INNOVATIONS GROUP, LLC, a California
Limited Liability Company, REX MOORE, ET
AL. ELECTRICAL CONTRACTORS &
ENGINEERING, INC., a California corporation,
REX SIGNATURE SERVICES, LLC, a
California Limited Liability Company, and
DOES 4 through 10, inclusive,

Defendants.



Case No. 34-2019-00270480-CU-OE-GDS

CLASS ACTION

*[Assigned for all purposes to Honorable
Lauri A. Damrell, Dept. 28]*

**DECLARATION OF TONG XIONG IN
SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

*[Filed with Memorandum of Points and
Authorities the Declaration of Justin F.
Marquez, and Proposed Order]*

PRELIMINARY APPROVAL HEARING

Date: August 12, 2022

Time: 9:00 a.m.

Dept: 28

RESERVATION NO. 2654387

DECLARATION OF TONG XIONG

I, Tong Xiong, declare as follows:

1. I am an adult resident of the State of California, and, if called as a witness in this action, I would testify truthfully to the matters described in this declaration. All of the matters described in this declaration are within my personal knowledge, except those matters that are stated to be upon information and belief. As to such matters, I believe them to be true.

2. I make this declaration entirely of my own free will and choice. I have not been promised any benefit for doing so, and I have not been pressured into giving this declaration. Before signing this declaration, I was given the opportunity to review it, make changes, and verify the accuracy of its contents.

3. I am a former employee of Rex Moore Group, Inc., Construction Innovations Group, LLC, Rex Moore, et al. Electrical Contractors & Engineering, Inc., Rex Signature Services, LLC. (“Rex Moore, et al.”). I worked at Rex Moore, et al. from approximately from approximately 1999 to 2010 (and then again from approximately March 2013 to June 2018 as an hourly-paid, non-exempt employee. Throughout the entirety of my employment, I was subject to all of Rex Moore, et al.’s policies and practices that have been alleged as unlawful in the Class Action Complaint (“Complaint”) and Private Attorneys General Act (“PAGA”) Notice sent to Rex Moore, et al. and the Labor & Workforce Development Agency (“LWDA”).

4. I have actively participated in the litigation of this action. Prior to the commencing of this case, I provided Wilshire Law Firm and my attorneys a detailed account of the facts related to my employment with Rex Moore, et al., including, but not limited to, my belief that Rex Moore, et al. had a policy and practice of not providing its employees with California compliant meal and rest periods and requiring its employees to work “off-the-clock” prior to clocking in for the workday, during meal periods, and after clocking out for the workday. Additionally, I provided my counsel with wage statement documentation in support of the claims brought against Rex Moore, et al. These documents, along with the anecdotes I shared regarding my employment, assisted my attorneys in understanding the policies and practices at Rex Moore, et al. I also

1 regularly communicated with my attorneys and staff members of Wilshire Law firm via telephone
2 and text messages.

3 5. My attorneys explained to me the risks and benefits of bringing forward a class
4 action matter. I understood the risks, both professionally and financially, associated with pursuing
5 a class action case and acting as the Class Representative. I further understood that pursuing the
6 case as a class action, rather than individually, meant that it would take substantially longer as a
7 result of the multi-step approval process as mandated by the California Courts. Although I was
8 made aware that there was a possibility that I could receive nothing at the end, I believed that it
9 was important to ensure that Rex Moore, et al. followed the law with respect to all of its hourly-
10 paid, non-exempt employees. Additionally, I understood that it was my responsibility to act in the
11 best interests of the Class and not just myself. In that respect, I understood my duties and
12 responsibilities to the proposed Class and carried out and will continue to carry out those duties as
13 necessary.

14 6. Throughout the course of the litigation, I maintained constant communication with
15 my attorneys and discussed pertinent matters relevant to the lawsuit. I asked questions when I
16 wanted to know what was being done to advance the interests of the Class or simply wanted an
17 update regarding the case. I understood that a recovery would not only benefit me but would
18 benefit my fellow coworkers as well. At all times, I made myself available to answer any questions
19 that my attorneys had about my employment.

20 7. This was especially true leading up to and during the mediation that took place on
21 October 21, 2020. In preparation for the mediation, I had extensive conversations with my
22 attorneys regarding the nuanced issues that we were going to advance during the negotiation
23 process with the mediator. During the mediation session, I was available to speak with my
24 attorneys, answer any questions that arose, and provide any additional documentation that was
25 necessary to assist the settlement discussions.

26 8. On or about May 13, 2022, I reviewed the Joint Stipulation re: Class Settlement
27 (“Settlement Agreement”) in full and discussed all the terms with my attorneys. My attorneys
28 answered all the questions I had regarding the Settlement Agreement. I believe the settlement

1 terms and allocations are fair, adequate, and reasonable given the strength of the class claims and
2 Rex Moore, et al.'s defenses. That same day, I signed the Settlement Agreement.

3 9. I estimate that I spent approximately 40 hours searching for and collecting
4 documents related to my employment, speaking with my attorneys throughout the litigation,
5 helping my attorneys prepare for mediation, discussing the particulars and reasonableness of the
6 settlement, and reviewing/signing documents related to the settlement.

7 I declare under penalty of perjury, under the laws of the State of California and the United
8 States of America, that the foregoing is true and correct.

9 Executed on 7/20/2022 at City, California.

DocuSigned by:

Tong Xiong

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Tong Xiong

PROOF OF SERVICE

Tong Xiong v. Rex Moore Group, Inc., et al.
34-2019-00270480-CU-OE-GDS

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to this action. My business address is 3055 Wilshire Blvd., 12th Fl., Los Angeles, California 90010. My electronic service address is sspene@wilshirelawfirm.com.

On July 21, 2022, I served the foregoing **DECLARATION OF TONG XIONG IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

Terry A. Wills, Esq. (SBN 133962)
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Attorneys for Defendant,
REX MOORE GROUP, INC., et al.

- (X) **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to the State of California Labor and Workforce Development Agency Online Filing Site.
- (X) **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action.

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

Executed this **July 21, 2022**, at Los Angeles, California.



Sandy S. Sespene