

ZAKAY LAW GROUP, APLC

Shani O. Zakay (State Bar #277924)
Jackland K. Hom (State Bar #327243)
Rachel N. Newman (State Bar #350826)
Jennifer Gerstenzang (State Bar #279810)
5440 Morehouse Dr., Ste 3600
San Diego, CA 92121
Telephone: (619) 255-9047
shani@zakaylaw.com
jackland@zakaylaw.com
rachel@zakaylaw.com
jenny@zakaylaw.com

JCL LAW FIRM, APC

Jean-Claude Lapuyade (State Bar #248676)
5440 Morehouse Drive, Suite 3600
San Diego, CA 92121
Telephone: (619) 599-8292
jlapyade@jcl-lawfirm.com

Attorneys for Plaintiffs

(Additional Counsel listed on next page)

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO**

LY HAI, on behalf of himself, those similarly
situated, and/or aggrieved California-based
nonexempt employees,

Plaintiff,

vs.

SUNROAD HS AUTO, INC., AND DOES 1
THROUGH 100, INCLUSIVE,

Defendant.

Case No.: 37-2022-00025788-CU-OE-CTL

**DECLARATION OF PLAINTIFF
MOHAMMAD TAHBAZ IN SUPPORT OF
PLAINTIFF'S MOTION TO APPROVE
PAGA SETTLEMENT**

Date: March 28, 2025

Time: 9:10 a.m.

Judge: Hon. Judy S. Bae

Dept: C-62

BLACKSTONE LAW, APC

Barbara Duvan-Clarke (State Bar #259268)

Annabel Blanchard (State Bar #258135)

8383 Wilshire Boulevard, Suite 745

Beverly Hills, CA 90211

Telephone: (310) 622-4278

Facsimile: (855) 786-6356

bdc@blackstonepc.com

ablanchard@blackstonepc.com

Attorneys for Plaintiffs

///

1 I, MOHAMMAD TAHBAZ, declare as follows:

2 1. I am a party to this action and reside in the State of California. I am over the age of
3 18 and am fully competent to make this declaration. I have personal knowledge of the facts set forth
4 herein, except for those stated on information and belief, and as to those I am informed and believe
5 them to be true. If called upon to testify, I could and would testify as set forth herein.

6 2. I make this Declaration in support of Plaintiffs' Motion to Approve PAGA
7 Settlement.

8 3. I was employed by Defendants Sunroad Auto, LLC, Sunroad HS Auto, Inc., Sunroad
9 CV Auto, Inc., Sunroad MV Auto, Inc., and Sunroad EC Auto, LLC f.k.a. Sunroad BCV Auto, Inc..
10 (collectively referred to as "Defendants"), as a non-exempt employee in California from
11 approximately April of 2019 to May of 2022.

12 4. Throughout my employment with Defendants, I am informed and believe that myself
13 and other non-exempt employees of Defendants were not paid all wages owed because we were not
14 paid for all time under Defendants' control. In addition, I am informed and believe that we were not
15 paid or underpaid for overtime hours worked at the overtime rate of pay owed due to, among other
16 things, failure to pay for off-the-clock work and miscalculation of regular rate of pay.

17 5. During my employment with Defendants, I often took meal periods after the fifth
18 hour of my shift, I often took short meal periods, and I often took meal periods that were not duty-
19 free. I witnessed other non-exempt employees with my job duties often taking meal periods that
20 after the fifth hour, short, or not duty-free, as well.

21 6. I do not believe I was provided with opportunities to take full, uninterrupted, 10-
22 minute rest periods while working for Defendants and believe my coworkers were not provided with
23 such an opportunity, either.

24 7. During the course of litigation, I was actively involved in assisting my attorneys to
25 support the wage and hour claims asserted. My involvement in the case began around June 2022.

26 8. Before I was added to the case as a plaintiff, I spoke at length with my attorneys. We
27 discussed my work experience and how company policies were applied to myself and other
28 employees. I provided the attorneys with documents they requested. We reviewed the documents

1 together and asked and answered many questions regarding my experience working for Defendants,
2 the litigation process, and about representative actions generally.

3 9. During these conversations, I learned about my responsibilities as a plaintiff in the
4 lawsuit. I understood that pursuing this action as a representative action rather than merely seeking
5 my individual claims substantially increased the risk to me. Those risks included the possibility of
6 being held liable for Defendants' attorneys' fees and costs if I lost the case. I also understood I
7 would be under increased scrutiny by the attorneys and the Court as a representative of the State of
8 California and other employees. Further, I understood that I could not make decisions for my sole
9 benefit and that I needed to make every litigation decision with the best interests of the State of
10 California and other employees in mind.

11 10. I also understood that pursuing this litigation created a very public record of my
12 grievances with Defendants, which produced the risk that a future employer could hold it against
13 me that I sued a former employer.

14 11. Notwithstanding these risks and sacrifices, I decided to go through with the case
15 because I believed violations occurred and most employees would not know what their rights are
16 and even if they did, they would be apprehensive to file a lawsuit against their employer for fear of
17 retaliation.

18 12. During the lawsuit I communicated on a regular basis with my attorneys. I reviewed
19 status updates from my attorneys and court filings on a regular basis, and spoke to my attorneys on
20 the phone, because I wanted to keep up with developments in the case which I understood was one
21 of my duties as a plaintiff.

22 13. **Review and Approval of Settlement:** A mediation was held on February 5, 2024.
23 Even though I could not attend, I was available by telephone to speak with my attorneys and did
24 speak with them regarding the mediation before it took place, as well as during the mediation itself.
25 I also spoke with my attorneys after the mediation and discussed the proposed settlement. I was
26 very satisfied with the terms of the settlement that was agreed to by the parties. When the settlement
27 papers were ready, I again spoke with my attorneys and reviewed the settlement agreement which I
28 signed November 4, 2024.

1 14. **Participation:** Since I retained PAGA Counsel nearly three years ago, I have been
2 actively involved with this lawsuit performing the duties described above. While I did not keep
3 formal time records, I was in regular contact with my attorneys, reviewed important court filings,
4 and spent considerable time on the issues presented during the litigation and in the settlement
5 process. I estimate that I spent approximately 20 to 30 hours working on this case.

6 15. Also, my attorneys explained to me that the settlement process involved review by
7 the Court to determine whether the settlement was fair before ordering that the settlement be funded
8 and paid.

9 16. Ultimately, I believe I did the right thing in pursuing this case on behalf of the class
10 who now stand to receive substantial monetary payments as a result of this case and settlement. I
11 also believe that the requested Service Award in the amount of \$7,500.00 from the settlement is fair
12 compensation for the (1) the work I performed, (2) the sacrifices made, and (3) the risks I undertook.

13 17. In light of all the time and effort I have spent on this case, the sacrifice I have made,
14 the risks I undertook by suing a former employer, the exposure to being responsible for paying
15 Defendant's costs in the event we did not win the case, and in light of the size of the settlement, I
16 believe the request for \$7,500.00 as a service award is fair and reasonable.

17 18. Further, I support my attorneys' application for a PAGA Counsel Award in the
18 amount of up to \$168,000.00, plus costs and expenses of up to \$25,000.00 for reimbursement of
19 actually incurred litigation expenses. I also agree to and support the fee split as follows between
20 Zakay Law Group, APLC, The JCL Law Firm, APC, and Blackstone Law, APC: 67% to Zakay Law
21 Group, APLC and The JCL Law Firm, APC and 33% to Blackstone Law, APC.

22

23 I declare under penalty of perjury under the laws of the State of California that the foregoing
24 is true and correct this 4 day of March 2025, at San Diego, California.

25

26

27

28

Mohammad Tahbaz
Mohammad Tahbaz (Mar 4, 2025 09:33 PST)
MOHAMMAD TAHBAZ