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Electronically FILED by
Superior Court of California,
County of Los Angeles
5/17/2023 12:33 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By K. Parenteau, Deputy Clerk

5 Attorneys for Plaintiff BRYANT OCON

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8 **SUPERIOR COURT OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**

10 BRYANT OCON, an individual, on behalf of
11 himself and all other aggrieved employees,

12 Plaintiff,

13 vs.

14 OLD MASTER PRODUCTS, INC., a
15 California corporation; SHAUL DINA, an
16 individual; and DOES 1 through 10 inclusive,

17 Defendants.
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Case No. 22SMCV00935
Hon. Elaine Mandel

**DECLARATION OF DAVID ALAMI IN
SUPPORT OF JOINT STIPULATION
FOR COURT APPROVAL OF
SETTLEMENT OF ACTION FILED
PURSUANT TO PAGA**

[Filed concurrently with (Proposed) Order and
Joint Stipulation for Court Approval]

Action Filed: December 6, 2021
Trial Date: None Set

DECLARATION OF DAVID ALAMI

I, David Alami, hereby declare as follows:

1. I am an attorney at law licensed to practice before all courts in the State of California. I am counsel for Plaintiff Bryant Ocon ("Plaintiff") in this matter. I am thoroughly familiar with and have personal knowledge of all of the facts set forth herein and if called and sworn as a witness, I could and would competently testify under oath thereto.

2. I submit this declaration in support of the Joint Stipulation for Court Approval of Settlement of Action Filed Pursuant to PAGA.

3. Alami Law Group prosecutes wage and hour cases, including class actions on behalf of employees and is currently serving as plaintiffs' counsel of record in employment class action and representative cases pending throughout the State of California.

4. I am the managing and principal attorney at Alami Law Group. I was admitted to the California Bar in 2017, and received my J.D. from Loyola Law School and my B.A. from University of California, Irvine. I have dedicated a majority of my current practice to employment law, including plaintiffs' side class actions and representative actions.

5. I have had my attorney's fees approved in the following representative Private Attorneys General Act of 2004 ("PAGA") action: *Karla Gonzalez v. Lake Balboa Healthcare Center, et al.*, Case No. 21STCV11086 (Los Angeles County Superior Court) - \$750,000.00, a representative action settlement on behalf of non-exempt healthcare employees. The cited case above was successfully resolved for the aggrieved employees. I have also been appointed class counsel and had my attorney's fees approved in the following wage and hour class action: *Duarte v. Arriaga USA, Inc., et al.*, Case No. 21STCV14446 (Los Angeles County Superior Court).

6. I currently serve as plaintiffs' counsel of record in the following employment class actions and/or representative actions: *Alvarado v. Highly Spoken, et al.*, Case No. 22STCV38656 (Los Angeles County Superior Court); *Arellano v. Vision Scenery Corp., Inc.*, Case No. 21STCV35878 (Los Angeles County Superior Court); *Burwell v. Gravity Hill Logistics, LLC, et al.* Case No. 22PSCV00654 (Los Angeles Superior Court); *Choi v. Francesca's Operations, Inc.*, Case No. 22STCV12421 (Los Angeles County Superior Court) *Corona v. Exquisite Apparel Corp, et al.*,

1 Case No. 21STCV02421 (Los Angeles County Superior Court); *Gallinar v. Taricco Corp.*, Case No.
2 23LBCV00008 (Los Angeles County Superior Court); *Garcia v. RN Restaurants LLC*, Case No.
3 CVRI2301574 (San Bernardino County); *Justince v. Elite Fuels, et al.*, Case No. 22STCV27362
4 (Los Angeles Superior Court); *Leon v. ALAL, LLC, dba Kei-Ai Los Angeles Health Care Center, et*
5 *al.*, Case No. 22STCV07259 (Los Angeles County Superior Court); *Lopez v. Spectrum Restaurant*
6 *Management Group, LLC, et al.*, Case No. 30-2022-01249896-CU-OE-CXC (Orange County
7 Superior Court); *Marron v. Imperial CFS, Inc.*, Case No. 23STCV08329 (LA Superior Court);
8 *Mayen v. Elsa Logistics LLC, et al.*, Case No. 22STCV40437 (Los Angeles Superior Court); *Montes*
9 *v. CBSA Home Care Inc.*, Case No. 22PSCV01361 (Los Angeles Superior Court); *Montoya v.*
10 *Commercial Coating Company, et al.*, Case No. 22STCV21908; *Ocon v. Old Master Products, Inc.,*
11 *et al.*, Case No. 22SMCV00935 (Los Angeles County Superior Court); *Perez v. Red Hot Chilis, Inc.,*
12 *et al.*, Case No. 22STCV02369 (Los Angeles County Superior Court); *Rivera v. World Wide*
13 *Integrated Inc., et al.*, Case No. 22STCV27592 (Los Angeles County Superior Court); *Saenz v. Class*
14 *Leasing LLC, et al.*, Case No. CVRI2205259 (Riverside County Superior Court); and *Venegas v.*
15 *Newport Diversified, Inc.*, Case No. 23NWCV00945 (LA Superior Court).

16 7. Prior to founding Alami Law Group, I worked at the Am 100 rated law firms of Jones
17 Day and Nixon Peabody LLP where I gained extensive experience in most phases of litigation. At
18 both firms, I handled and obtained resolution of numerous consumer and commercial litigation
19 focused matters.

20 8. The \$120,000 Gross Settlement Fund is reasonable, fair and adequate given the
21 circumstances of this action. The penalty is large enough to punish Defendants for their alleged
22 violations to approximately 149 aggrieved employees. At the same time, the penalty amount is not so
23 large as to be unjust, oppressive or confiscatory, considering Defendants' potential exposure. The
24 Gross settlement Fund is also reasonable in light of the facts of the foregoing action, the real risk that
25 no PAGA penalties would be paid, and inherent risks and uncertainties associated with PAGA claims.
26 The instant settlement amount achieved as a result of hard fought and protracted negotiations,
27 represents a fair and reasonable settlement, and the circumstances weigh heavily in favor of approval.

28 9. In litigation costs, counsel for Plaintiff have spent at least \$10,942.08 on items such as

1 filing fees, copies, postage, mediation fees, and other fees related to the litigation. This does not
2 include fees for filing the present Joint Stipulation for approval of settlement.

3 10. On May 17, 2023, I submitted the settlement agreement in this matter to the LWDA.
4 That same day, I received an email confirming the submission of the settlement from the DIR PAGA
5 Unit. Attached hereto as **Exhibit A** and incorporated herein by reference is a true and correct copy of
6 that email.

7 11. Attached hereto as **Exhibit B** is a copy of the bid I received from Phoenix Settlement
8 Administrators for the administration of this settlement.

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

11 Executed on May 17, 2023 at Newport Beach, California.

12 ALAMI LAW GROUP

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15 David Alami

16 Attorneys for Plaintiff BRYANT OCON
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EXHIBIT A

From: DIR PAGA Unit lwdadonotreply@dir.ca.gov
Subject: Thank you for your Proposed Settlement Submission
Date: May 17, 2023 at 10:24 AM
To: david@alamilawgroup.com

DU

05/17/2023 10:24:17 AM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Proposed Settlement

If you have questions or concerns regarding this submission or your case, please send an email to pagainfo@dir.ca.gov.

DIR PAGA Unit on behalf of
Labor and Workforce Development Agency

Website: http://labor.ca.gov/Private_Attorneys_General_Act.htm

EXHIBIT B



CASE ASSUMPTIONS

Class Members	145
Opt Out Rate	N/A
Opt Outs Received	
Total Class Claimants	145
Subtotal Admin Only	\$2,595.00

Not-to-Exceed Total \$2,595.00

For 145 Class Members

Pricing Good for Scope of Estimate Only

All Aspects of Escheating to the State of CA Included

February 28, 2023

Case: Ocon v. Old Master Products, Inc., PAGA Admin

Phoenix Contact: Jodey Lawrence

Contact Number: 949-566-1455

Email: Jodey@phoenixclassaction.com

Requesting Attorney: David Alami

Firm: Alami Law Group

Contact Number: 949-922-1834

Email: David@alamilawgroup.com

Assumptions and Estimate are based on information provided by counsel. If class size changes, PSA will need to adjust this Estimate accordingly.

Estimate is based on 145 Class Members. PSA assumes class data will be sent in Microsoft Excel or other usable format with no or reasonable

additional formatting needed. A rate of \$150 per hour will be charged for any additional analysis or programming.

Case & Database Setup / Toll Free Setup & Call Center / NCOA (USPS)

Administrative Tasks:	Rate	Hours/Units	Line Item Estimate
Programming Manager	\$125.00	1	\$125.00
Programming Database & Setup	\$125.00	1	\$125.00
Toll Free Setup*	\$50.22	1	\$50.22
Call Center & Long Distance	\$2.00	15	\$29.00
NCOA (USPS)	\$7.50	1	\$7.50
Total			\$336.72

* Up to 120 days after disbursement

Data Merger & Scrub / Notice Packet, Check & Postage

Project Action	Rate	Hours/Units	Line Item Estimate
Notice Packet Formatting	\$125.00	1	\$125.00
Data Merge & Duplication Scrub	\$0.25	145	\$36.25
Notice and Check Packet	\$1.75	145	\$253.75
Estimated Postage (up to 1 oz.)*	\$0.64	145	\$92.80
Total			\$507.80

* Prices good for 90 days. Subject to change with the USPS Rate or change in Notice pages or Translation, if any.



PHOENIX

CLASS ACTION ADMINISTRATION SOLUTIONS

Skip Tracing & Remailing Notice Packets / Tracking & Programming Undeliverables

Project Action:	Rate	Hours/Units	Line Item Estimate
Case Associate	\$50.00	1	\$50.00
Skip Tracing Undeliverables	\$1.00	22	\$21.75
Remail Notice Packets	\$1.75	22	\$38.06
Estimated Postage	\$0.64	22	\$13.92
Programming Undeliverables	\$50.00	1	\$50.00
Total			\$173.73

Database Programming

Project Action:	Rate	Hours/Units	Line Item Estimate
Programming Claims Database	\$150.00	1	\$150.00
Case Manager	\$135.00	1	\$135.00
Total			\$285.00

Calculation & Disbursement Programming/ Create & Manage QSF/ Mail Checks

Project Action:	Rate	Hours/Units	Line Item Estimate
Programming Calculations	\$125.00	1	\$125.00
Disbursement Review	\$125.00	1	\$125.00
Programming Manager	\$135.00	1	\$135.00
QSF Bank Account & EIN	\$50.00	1	\$50.00
Check Run Setup & Printing	\$125.00	1	\$125.00
Total			\$560.00

* Checks are printed on 8.5 x 11 in. sheets with W2/1099 Tax Filing



PHOENIX

CLASS ACTION ADMINISTRATION SOLUTIONS

Tax Reporting & Reconciliation / Re-Issuance of Checks / Conclusion Reports and Declarations			
Project Action:	Rate	Hours/Units	Line Item Estimate
Case Supervisor	\$100.00	1	\$100.00
Remail Undeliverable Checks (Postage Included)	\$1.50	15	\$21.75
Case Associate	\$50.00	1	\$50.00
Reconcile Uncashed Checks	\$85.00	1	\$85.00
Conclusion Reports	\$75.00	1	\$75.00
Case Manager Conclusion	\$75.00	1	\$75.00
Final Reporting & Declarations	\$75.00	1	\$75.00
QSF Annual Tax Reporting * (State Tax Reporting Included)	\$250.00	1	\$250.00
Total			\$731.75

* All applicable California State & Federal taxes, which include SUI, ETT, and SDI, and FUTA filings. Additional taxes are Defendant's responsibility.

Estimate Total: \$2,595.00



TERMS AND CONDITIONS

Provisions: The case estimate is in good faith and does not cover any applicable taxes and fees. The estimate does not make any provision for any services or class size not delineated in the request for proposal or stipulations. Proposal rates and amounts are subject to change upon further review, with Counsel/Client, of the Settlement Agreement. Only pre-approved changes will be charged when applicable. No modifications may be made to this estimate without the approval of PSA (Phoenix Settlement Administrators). All notifications are mailed in English language only unless otherwise specified. Additional costs will apply if translation into other language(s) is required. Rates to prepare and file taxes are for Federal and California State taxes only. Additional charges will apply if multiple state tax filing(s) is required. **Pricing is good for ninety (90) days.**

Data Conversion and Mailing: The proposal assumes that data provided will be in ready-to-use condition and that all data is provided in a single, comprehensive Excel spreadsheet. PSA cannot be liable for any errors or omissions arising due to additional work required for analyzing and processing the original database. A minimum of two (2) business days is required for processing prior to the anticipated mailing date with an additional two (2) business days for a National Change of Address (NCOA) update. Additional time may be required depending on the class size, necessary translation of the documents, or other factors. PSA will keep counsel apprised of the estimated mailing date.

Claims: PSA's general policy is to not accept claims via facsimile. However, in the event that facsimile filing of claims must be accepted, PSA will not be held responsible for any issues and/or errors arising out of said filing. Furthermore, PSA will require disclaimer language regarding facsimile transmissions. PSA will not be responsible for any acts or omissions caused by the USPS. PSA shall not make payments to any claimants without verified, valid Social Security Numbers. All responses and class member information are held in strict confidentiality.

Payment Terms: All postage charges and 50% of the final administration charges are due at the commencement of the case and will be billed immediately upon receipt of the data and/or notice documents. PSA bills are due upon receipt unless otherwise negotiated and agreed to with PSA by Counsel/Client. In the event the settlement terms provide that PSA is to be paid out of the settlement fund, PSA will request that Counsel/Client endeavor to make alternate payment arrangements for PSA charges that are due at the onset of the case. The entire remaining balance is due and payable at the time the settlement account is funded by Defendant, or no later than the time of disbursement. Amounts not paid within thirty (30) days are subject to a service charge of 1.5% per month or the highest rate permitted by law.

Tax Reporting Requirements

PSA will file the necessary tax returns under the EIN of the QSF, including federal and state returns. Payroll tax returns will be filed if necessary. Under the California Employment Development Department, all taxes are to be reported under the EIN of the QSF with the exception of the following taxes: Unemployment Insurance (UI) and Employment Training Tax (ETT), employer-side taxes, and State Disability Insurance (SDI), an employee-side tax. These are reported under Defendant's EIN. Therefore, to comply with the EDD payroll tax filing requirements we will need the following information:

1. Defendant's California State ID and Federal EIN.
2. Defendant's current State Unemployment Insurance (UI) rate and Employment Training Tax (ETT) rate. This information can be found in the current year DE 2088, Notice of Contribution Rates, issued by the EDD.
3. Termination dates of the class members, or identification of current employee class members, so we can account for the periods that the wages relate to for each class member.
4. An executed Power of Attorney (Form DE 48) from Defendant. This form is needed so that we may report the UI, SDI, and ETT taxes under Defendant's EIN on their behalf. If this form is not provided we will work with the EDD auditors to transfer the tax payments to Defendant's EIN.
5. Defendant is responsible for reporting the SDI portion of the settlement payments on the class member's W-2. PSA will file these forms on Defendant's behalf for an additional fee and will issue an additional W-2 for each class member under Defendant's EIN, as SDI is reported under Defendant's EIN rather than the EIN of the QSF. The Power of Attorney (Form DE 48) will be needed in order for PSA to report SDI payments.