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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

HECTOR J. MEJIA on behalf of himself
and all others similarly situated,

Plaintiffs,

v.

WALMART INC., a Delaware corporation;
and DOES 1 through 10, inclusive,

Defendant.

Case No.: CIVSB-2207614

[Assigned for all purposes to the Hon. David E.
Driscoll, Dept. S22]

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

Date: December 19, 2023
Time: 8:30 a.m.
Dept.: S22

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18 Attorneys for Plaintiffs and the Class
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1 I, Dennis S. Hyun, hereby declare and state as follows:

2 1. I am an attorney at law duly admitted to practice before all courts in the State of
3 California and am a member of the law firm of the Hyun Legal, APC, one of the attorneys of
4 record for Plaintiffs Dearl Powell, Christina Gast, and Elijha Gonzalez (“Plaintiffs”) in the
5 above-entitled action.

6 2. I have personal knowledge of the matters set forth herein, and if called upon as a
7 witness to testify thereto, I could and would competently do so.

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

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

28 5. I have served as Class Defense Counsel in a number of wage and hour class

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

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

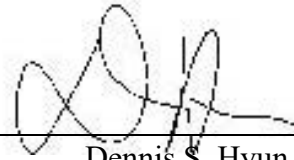
294819-CU-OE-STK. Additionally, in *Chavez*, Case No. 15-cv-03746-NC, *Dynabursky* Case No. 8:12-cv-02210-JLS-RNB, *Pace*, Case No. SACV13-500 DOC, *Rodriguez*, Case No. 5:14-CV-1508 BLF, *Stafford*, Case No. 14-01352 MWF (PLAx), *Gonzales*, Los Angeles Sup. Ct. Case No. BC502826, and *Magadia*, Case No. 5:17-cv-00062-LHK, I was certified as class counsel pursuant to the plaintiff's motion for class certification. Further, in *Stafford* and *Magadia*, we tried these certified class claims via bench trial and prevailed. In *Magadia*, we obtained a \$102 million judgment for the class against Walmart, which was reversed on appeal. Moreover, I have been approved as class counsel in connection with numerous class settlements.

7. Each side has apprised the other of their respective factual contentions, legal theories and defenses, resulting in extensive arms' length negotiations taking place among Plaintiffs and Defendants Wal-Mart, Inc., Wal-Mart Associates, Inc. and Wal-Mart Stores, Inc. (collectively, "Defendant") (Plaintiffs and Defendants collectively, the "Parties"). Based on their own independent investigation and evaluation, and their respective counsel are of the opinion that the Settlement for the consideration and on the terms set forth in the Joint Stipulation of Class and Representative Action Settlement (the "Agreement") are fair, reasonable, and adequate and the settlement is in the best interests of the Class and Defendant in light of all known circumstances and the expenses and risks inherent in litigation. Plaintiffs are aware that Defendant may raise defenses on the reduction of civil penalties pursuant to the Private Attorneys General Act (the "PAGA") and that these arguments could be persuasive to the Court. Thus, even if Plaintiffs were to successfully prove their claims at trial, there is a possibility that the Court may only award a small percentage of the maximum PAGA penalties, as the Court has discretion to do so. The Maximum Settlement Amount was premised with these risks in mind associated with the possibility of the Court denying class certification, refusing to award waiting time penalties, and significantly reducing Plaintiffs' PAGA penalties, along with other attendant risks.

8. Plaintiffs and Plaintiffs' counsel also believe in the fairness of the settlement that is based on factoring in the uncertainty and risks to Plaintiffs in not prevailing on one or more of the causes of action or theories alleged in the operative Complaint, the possibility of appeals.

1 9. Plaintiffs and Plaintiffs' counsel are adequate representatives in that they have no
2 conflicts with the class and will adequately represent the class.

3 I declare under penalty of perjury and the laws of the State of California that the
4 foregoing is true and correct and that this declaration was executed on October 12, 2023, at Los
5 Angeles, California.

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8 A handwritten signature in black ink, appearing to read 'Dennis S. Hyun', is written over a horizontal line.

Dennis S. Hyun