

JCL LAW FIRM, APC

Jean-Claude Lapuyade (State Bar #248676)
Sydney Castillo-Johnson (State Bar #343881)
Monnett De La Torre (State Bar #272884)
5440 Morehouse Drive, Suite 3600
San Diego, CA 92121
Telephone: (619) 599-8292
Facsimile: (619) 599-8291
jlapuyade@jcl-lawfirm.com
scastillo@jcl-lawfirm.com
mdelatorre@jcl-lawfirm.com

ZAKAY LAW GROUP, APLC

Shani O. Zakay (State Bar #277924)
Jackland K. Hom (State Bar #327243)
Julieann Alvarado (State Bar #334727)
5440 Morehouse Drive, Suite 3600
San Diego, CA 92121
Telephone: (619)255-9047
Facsimile: (858) 404-9203
shani@zakaylaw.com
jackland@zakaylaw.com
julieann@zakaylaw.com

Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN BERNARDINO

JIE XU, individually and on behalf of all
persons similarly situated

Plaintiffs,

vs.

HT MULTINATIONAL, INC., a California
Corporation; CHTC (USA), INC., a California
Corporation; HT INDUSTRIES, INC., a
Corporation, and Does 1 through 50, Inclusive,

Defendants.

Case No. CIVDS2015679

**DECLARATION OF PLAINTIFF JIE XU IN
SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS ACTION AND PAGA
SETTLEMENT**

Hearing Date: December 12, 2022

Hearing Time: 10:00 a.m.

Judge: Hon. David Cohn

Dept: S-26

1 I, JIE XU, declare as follows:

2 1. I am over the age of eighteen, a California resident, Plaintiff and Proposed Class
3 Representative in the above-entitled matter. I submit this declaration in support of Plaintiff's Motion
4 for Final Approval of Class Action and PAGA Settlement and in support of my application for a service
5 award. I have personal knowledge of all the facts stated herein. I could and would competently testify
6 under oath to these facts in court if requested to do so.

7 2. I retained Class Counsel in May of 2020, and filed the lawsuit in July of 2020. I filed the
8 case on behalf of myself and a class of current and former employees, classified as exempt but not paid
9 two times the minimum wage, who worked for defendants HT MULTINATIONAL, INC. dba HT
10 INDUSTRIES, INC. and CHTC (USA), Inc. (hereinafter "Defendants"). I worked for Defendants
11 between March of 2019 to March of 2020.

12 3. I filed the case because I believed my rights and the rights of Defendants' other
13 misclassified exempt employees were violated by Defendants. As an exempt employee, I believe
14 Defendants violated my rights by paying me less than the required amount to meet the California test
15 for exemption.

16 4. Before I initiated the case as a plaintiff, and Class Representative, I spoke at length with
17 my attorneys. We discussed my work experience and how company policies were applied to me and
18 other employees. I provided the attorneys with documents they had requested to review, and we both
19 asked and answered many questions regarding my experience working for Defendants and my
20 responsibilities as a Plaintiff and proposed Class Representative. I also had a chance to review, and
21 did review, the complaint before it was filed.

22 5. During these conversations, I learned about my responsibilities as a plaintiff in the
23 lawsuit and as proposed a Class Representative. I understood that pursuing this action as a class action
24 rather than merely seeking my individual claims substantially increased the risk to me. Those risks
25 included the possibility of being held liable for Defendants' attorneys' fees and costs in a complex class
26 action if I lost the case. I also understood that as a Class Representative, I would be under increased
27 scrutiny by the attorneys and the Court because I needed to prove that I was an adequate class
28

1 representative. Further, I understood that I would lose some autonomy over my individual claims that
2 I could not make decisions for my sole benefit and that I needed to make every litigation decision with
3 the best interests of the Settlement Class in mind.

4 6. I also understood that pursuing this litigation created a very public record of my
5 grievances with Defendants which produced the risk that a future employer could hold it against me
6 that I sued a former employer.

7 7. I also knew that I was making a sacrifice in that I could have pursued my claims only on
8 an individual basis, likely obtaining a recovery greater than the portion of the class settlement I stand
9 to receive from this settlement. My attorneys explained to me that the net settlement value of my
10 individual claims may be greater than my ultimate recovery from the net class settlement amount.

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

14 9. During the lawsuit I communicated on a regular basis with my attorneys. I reviewed
15 status updates from my attorneys and court filings on a regular basis, and spoke to my attorneys on the
16 phone, because I wanted to keep up with developments in the case which I understood was one of my
17 duties as a class representative.

18 10. **Review and Approval of Settlement:** A mediation was held on June 22, 2021. Even
19 though I could not attend, I was available by telephone to speak with my attorneys and did speak with
20 them regarding the mediation before it took place, as well as during the mediation itself. I understood
21 that the mediation concluded without settlement, but that following mediation, both sides, represented
22 by counsel, continued settlement negotiations for several months until they agreed to settle the Action.
23 I was very satisfied with the terms of the settlement that was agreed to by the parties. I reviewed the
24 settlement agreement, which I ultimately signed in June of 2022.

25 11. **Broad General Release:** I understand that the Class Representative Service Award is
26 intended, in part, to compensate me for my release of the Released Class Claims. Additionally, unlike
27 the other Class Members, I also granted Defendants and the Released Parties a broad general release
28

1 and waiver of claims pursuant to California Civil Code section 1542 and released Defendants and all
2 additional Released Parties from any and all claims arising out of the Action.

3 12. **Participation:** I retained Class Counsel over 2 years ago, I have been actively involved
4 with this class action lawsuit performing the duties described above. While I did not keep formal time
5 records, I was in regular contact with my attorneys, reviewed important court filings, participated in
6 discovery, including preparing for and having my deposition taken, and spent considerable time on the
7 issues presented during the litigation and in the settlement process. I estimate that I spent around 40-
8 50 hours working on this case.

9 13. Also, my attorneys explained to me that the settlement process involved a two-step
10 review by the Court to determine whether the settlement was fair before ordering that the settlement be
11 funded and paid. I knew this process also involved notifying all class members of the settlement terms
12 and of their rights to make a claim for their settlement share, to opt out of the settlement or to object to
13 the settlement.

14 14. Ultimately, I believe I did the right thing in pursuing this case on behalf of the class who
15 now stand to receive substantial monetary payments as a result of this case and settlement. I also
16 believe that the requested Class Representative Service Award in the amount of \$10,000 from the
17 settlement is fair compensation for the (1) the general release I executed, (2) the work I performed, (3)
18 the sacrifices made not pursuing this case individually, and (4) the risks I undertook.

19 15. In light of all the time and effort I have spent on this case, the sacrifice I have made, the
20 risks I undertook by suing a former employer, the exposure to being responsible for paying Defendants'
21 costs in the event we did not win the case, and in light of the size of the settlement, I believe the request
22 for \$10,000 as a service award is fair and reasonable.

23 16. Further, I support my attorneys' application for a Class Counsel Award in the amount of
24 \$65,000.00, comprised of \$50,000.00 for attorneys' fees (one-third of the Gross Settlement Amount)
25 and up to \$15,000.00 for reimbursement of actually incurred litigation expenses.

26
27 ///

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is
2 true and correct. Executed on Nov 10, 2022, at Chino, California

3 *Jie Xu*

4 By: Jie Xu (Nov 10, 2022 12:50 PST)

5 JIE XU