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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF LOS ANGELES**

10
11 ABEL YOUNG, an individual, on behalf of)
himself and on behalf of all persons similarly)
12 situated,

13 Plaintiff,

14 vs.

15 TABC, INC., a Corporation; and DOES 1
16 through 50, inclusive,

17 Defendants.

Case No. 22STCV25696

18 **DECLARATION OF ABEL YOUNG IN**
19 **SUPPORT OF MOTION FOR**
20 **PRELIMINARY APPROVAL OF**
21 **CLASS SETTLEMENT**

Judge: Hon. Lawrence P. Riff
Dept: SS-7

Date Filed: August 22, 2022
Trial Date: Not set

1 I, Abel Young, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the
3 above-entitled matter. I submit this declaration in support of the Motion for Preliminary
4 Approval of Class Settlement and in support of my application for a Class Representative
5 Service Payment.
6

7 2. I have personal knowledge of all the facts stated herein. I could and would competently
8 testify under oath to these facts in court if requested to do so.

9 3. I worked for TABC, Inc. ("TABC") in California from 1995 to September of 2021
10 and again from March of 2022 to May 26, 2022 and was classified by TABC as a non-exempt
11 employee during that time period.
12

13 4. I retained my attorneys who are experienced in both class action and PAGA
14 representative action litigation and claims against employers for violations of the California
15 Labor Code. I have no personal relationship or family ties to my attorneys or any officer of the
16 Court. I am not aware of having any actual or potential conflicts of interest with another class
17 member in this case nor am I aware of having any actual or potential conflicts of interest with
18 ILYM, the settlement administrator. I am not aware of any other pending matter or action
19 asserting claims that will be extinguished or adversely affected by this settlement.
20

21 5. I decided to file this class action lawsuit and be a plaintiff/class representative because
22 I felt that my legal rights as an employee and others like me were violated. For example, while I
23 did receive many meal period premium payments for non-compliant meal breaks, the payments
24 should have factored in certain incentive pay (eg. shift differentials, bonuses) but did not and
25 therefore my meal period premiums were less than they should have been. I was also not paid for
26 the time I spent performing a company-required Daily Health Screen which had to be performed
27

1 before clocking in. In addition, I had to use my personal cell phone for work-related purposes but
2 was not reimbursed for the reasonable costs I incurred.

3 6. Before the complaint was filed I spoke to my attorneys several times and discussed how
4 TABC implemented its company policies and procedures. I also assisted my attorneys in their
5 investigation into my claims by providing them documents and answering their questions. I
6 reviewed the complaint before it was filed and after it was filed I was given access to an
7 electronic file sharing program that alerted me via email when important documents were filed
8 so that I could review them and keep up with the developments in the case which I understood
9 was one of my duties as a class representative. I would also contact my attorneys from time to
10 time if I had any questions about the case.
11

12 7. Even though this action is in the process of settling, I was and remain prepared to
13 perform all the duties of a class representative. I understand that as a class representative I have
14 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent class
15 members. I have understood that as a fiduciary, I have a duty to prosecute this action for the
16 benefit of the class members and surrender any right to compromise the group action for an
17 individual gain.
18

19 8. I understood that being a plaintiff/class representative in this case meant that I
20 was seeking damages not only for myself but also other current and/or former non-exempt
21 employees working for TABC in California. I felt that these individuals were not aware of their
22 labor law rights and even if they were they would probably be apprehensive about speaking up or
23 even simply because of the time, effort and risk involved in filing a class action lawsuit.
24

25 9. I understood that being a part of this lawsuit involved risks. For example, my
26 attorneys explained to me that if the case went to trial and we lost, I could be held responsible to
27

1 pay for all or part of the attorney fees and costs paid by TABC to defend this lawsuit. Also, I
2 knew there was a risk that future employers, if they ever found out about this lawsuit, could hold
3 it against me or downgrade me as a potential hire. As the only named Plaintiff in this case it
4 would not be difficult for a future employer to become aware that I sued a former employer for
5 labor law violations. Ultimately I decided these risks were worth it and decided to fight for my
6 rights and the rights of others regardless of the risks, time and effort I spent on this case.
7

8 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also
9 kept up to date on important developments by reviewing court filings that were made available to
10 me electronically as I described above.

11 11. A mediation took place on February 7, 2023 with Lou Marlin, a well-respected
12 and experienced mediator of wage and hour class actions. After the all-day mediation session
13 the parties agreed to settle the action. I communicated with my attorneys regarding the terms of
14 the settlement which was reached between the parties and understood that I was representing
15 absent class members and therefore wanted the best possible result to be obtained for the class
16 members and I believe a very positive result was in fact achieved via settlement. I reviewed and
17 signed the Memorandum of Understanding on February 7, 2023 and when the final settlement
18 papers were ready, I closely reviewed the Settlement Agreement which I signed on April 27,
19 2023.
20
21

22 12. I have been actively involved with this lawsuit performing the duties described above.
23 Although I did not keep time records, I was in regular contact with my attorneys, reviewed court
24 filings, and spent a significant amount of time on the issues presented during the lawsuit and in
25 the settlement process. I estimate that I spent approximately 30-40 hours working on this case
26 up until this point. I believe I have been diligent and have done what is expected of a named
27

1 plaintiff and a proposed class representative to date, and will continue to do so. I have and
2 always will maintain the best interest of the class members.

3 13. My attorneys explained to me that the settlement process involves a two-step
4 review by the Court to determine whether the settlement is fair before approving the settlement.
5 I know this process also involves notifying all class members of the settlement terms and of their
6 rights to make a claim for their settlement share, to opt out of the settlement or to object to the
7 settlement.
8

9 14. I believe I did the right thing by filing this case on behalf of the class members who,
10 subject to court approval, are in line to receive monetary payments as a result of this case and
11 settlement. This is money they may never have ever gotten if I did not pursue this action on their
12 behalf. I feel significant personal satisfaction to know that I played a role in the class members
13 being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that
14 the requested Class Representative Service Payment of \$10,000 from the settlement is fair
15 compensation for the work I performed and the risks I undertook.
16

17 15. As part of the settlement it was necessary for me to sign a general release of
18 claims I may have against TABC. I believe the Class Representative Service Payment I have
19 requested provides me with some compensation for this agreed release.
20

21 16. In light of all the time and effort I have spent on this case, the risk I undertook by
22 suing a former employer, the exposure to being responsible for paying TABC's costs in the event
23 we did not win the case, the reputational risk that future employers may hold this lawsuit against
24 me, the general release, and in light of the size of the settlement, I believe the request for \$10,000

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26 ///

1 as a Class Representative service payment is fair and reasonable.

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

4 Executed on Jun 1, 2023, at NORWALK,CALIFORNIA.
5 (city, state)

6 Abel S. Young

7 Abel S. Young (Jun 1, 2023 02:54 PDT)

8 Abel Young