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Attorneys for Plaintiff and the Proposed Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ALAMEDA

JEFFREY HUANG QIXIAN, an individual,
on behalf of himself, others similarly situated,
and on behalf of the State of California, as a
private attorney general,

PLAINTIFF,

v.

GITIBIN & ASSOCIATES, INC., DBA GO
RENTALS; and DOES 1 thru 50, inclusive,

DEFENDANTS.

CASE NO. 22CV020833

[Case Assigned for All Purposes to Hon. Noel
Wise in Dept. 21]

**DECLARATION OF MARY TANAGHO
ROSS OF BET TZEDEK**

Date: January 28, 2025

Time: 1:30 PM

Dept.: 21

Complaint Filed: October 31, 2022

Trial Date: None

1 **DECLARATION OF MARY TANAGHO ROSS IN SUPPORT OF CY PRES**

2 **DISTRIBUTION TO BET TZEDEK**

3 I, Mary Tanagho Ross, state and declare as follows:

4 1. I am an attorney licensed to practice law in the State of California. I am the
5 Directing Attorney for the Employment Rights Project and the interim Directing Attorney for
6 Impact Advocacy at Bet Tzedek Legal Services (“Bet Tzedek”) in Los Angeles, California. I have
7 personal knowledge of the facts contained in this declaration except as otherwise noted and, if
8 called as a witness, I could and would testify to these facts.

9 2. I understand that Plaintiffs are seeking to designate Bet Tzedek as a *cy pres*
10 recipient of settlement funds remaining after the claims process. It is my understanding that the
11 class members in this case are employees who allege that their employer violated wage and hour
12 laws.

13 3. I describe below Bet Tzedek’s mission, relevant legal work, and past *cy pres*
14 designations in order to demonstrate its eligibility for *cy pres* funds in this case.

15 **BET TZEDEK’S HISTORY, MISSION, AND STAFF**

16 4. Bet Tzedek – Hebrew for the “House of Justice” – was established in 1974 and is a
17 501(c)(3) non-profit legal services program that provides free legal services to low-income
18 residents of Southern California. Bet Tzedek represents clients on a non-sectarian basis in
19 numerous areas of anti-poverty law, including, but not limited to, employment, housing,
20 government benefits, real estate fraud, and caregiving for seniors and the developmentally
21 disabled. Bet Tzedek depends upon public and charitable funding sources to support its services.
22 Bet Tzedek also serves as class counsel and amicus counsel in select class action and impact
23 litigation.

24 5. Bet Tzedek has a staff of over 100 employees and has had an annual budget of over
25 \$13 million. I am informed and believe that Bet Tzedek has earned the highest four-star rating
26 from Charity Navigator, the largest charity evaluator in America, and the platinum seal of
27 transparency from Guidestar, America’s source of the most complete, up-to-date nonprofit data
28 available.

1 **PRIOR CY PRES DESIGNATIONS**

2 6. Courts have regularly approved Bet Tzedek as a recipient of *cy pres* funds. I have
3 been informed and believe that in 2020, Bet Tzedek received \$100,000 in *cy pres* funds in the
4 matter of *People v. Renovate America, Inc.*, Riverside Superior Court No. RIC 1904068, to
5 provide legal assistance to consumers with Property Assessed Clean Energy (“PACE”)-related
6 legal and financing issues.

7 7. I have been informed and believe that the following courts, among many others, have
8 also approved the distribution of *cy pres* funds to Bet Tzedek: *DirecTV Wage and Hour Cases*,
9 Santa Clara Superior Court Case No. 2014-1-CV-274709; *Kim v. FNS Inc.*, Los Angeles Superior
10 Court No. BC578015; *Ramirez v. SP Plus Corporation*, Los Angeles County Superior Court Case
11 No. BC614253; *Krikorian v. Central Parking Systems, Inc.*, Los Angeles Superior Court Case No.
12 BC582088; *Brough v. Global Para Transit, Inc.*, Los Angeles Superior Court Case Nos.
13 BC616177, BC619163 (related); *Calderon v. GreatCall, Inc.*, San Diego Superior Court Case No.
14 37-2010-00093743; *Barnes v. The Equinox Group*, U.S. District Court, Northern District of
15 California Case No. CV 10-3586; *Jaimez v. DAIOHS USA, Inc.*, Los Angeles Superior Court Case
16 No. BC 372665; *Harris v. Vector Marketing Corporation*, United States District Court, Northern
17 District of California Case No. CV 08-5198; *Anslow v. Wellington Energy, Inc.*, U.S. District
18 Court, Northern District of California Case No. CV 11-1596; *Ortiz v. L&M Footwear*, Los
19 Angeles Superior Court Case No. BC639316; *Weinstein v. Mortgage Contracting Services*, U.S.
20 District Court, Central District of California Court Case No. 5:14-cv-02521; *Harrison v. Strategic*
21 *Experiential Group*, Alameda Superior Court Case No. RG16807555; *Purnell v. Clearview*
22 *Centers*, U.S. District Court, Central District of California Court Case No. 2:18-cv-01172;
23 *Wigersma v. Motion Theory*, Los Angeles Superior Court Case No. BC531180; *People v. Silver*
24 *Lake Car Wash*, Los Angeles Superior Court No. BC690628; *Pounds v. Nidec Motor Corporation*,
25 U.S. District Court, Eastern District of California Court No. 2:17-cv-02527; *McQueen v. Chevron*
26 *Corporation, et al.*, U.S. District Court, Northern District of California Court Case No. 4:16-cv-
27 02089; *Hindman v. Service Quick Inc.*, San Bernardino Superior Court Case No. CIVDS1724229;
28 *Caput v. NTT Security (US) Inc.*, U.S. District Court, Central District of California Court Case No.

2:18-cv-09436; *Chang v. Cedars Business Services, LLC.*, Los Angeles Superior Court Case No. BC628781; *Karayan, et al. v. Excel Studios, LLC.*, Los Angeles Superior Court Case No. BC666586; *Thompson v. Ontario 947, Inc.*, San Bernardino Superior Court Case No. CIVDS1604818; *Peruch v. Alclear, LLC.*, Los Angeles Superior Court Case No. BC708534; *Melendrez v. JK Communications & Construction Inc., dba Kleven Construction*, U.S. District Court, Eastern District of California Court Case No. 1:14-cv-01658; *Roach v. Westcare California, Inc.*, U.S. District Court, Central District of California Court Case No. 2:17-cv-07750; *Grebe v. Larco Inc. dba Black Bear Diner et al.*, Butte Superior Court Case No. 17CV01855; *Cruz v. C2 Educational Systems, Inc.*, U.S. District Court, Central District of California Court Case No. 2:18-cv-05217; *Highbaugh v. Staff Pro Inc.*, San Diego Superior Court Case No. 37-2016-00013068-CU-OE-CTL; *Oliver v. Dow Chemical Company*, Contra Costa Superior Court Case No. CIVMSC17-00685; *Rios v. SoCal Office Technologies*, San Bernardino Superior Court Case No. CIVDS1703071; and *Bender et al. v. Mr. Copy, Inc.*, Orange County Superior Court Case No. 30-2015-00824068-CU-OE-CXC.

ELIGIBILITY FOR DESIGNATION

8. Where residual funds remain after the distribution of class member shares, courts look to disburse the remainder *cy pres* to a non-profit organization whose mission and work align with the underlying purpose of the statutes. Wage and hour laws protect workers and provide for minimum standards of fair treatment.

9. Bet Tzedek has a vibrant employment law program that makes the organization an appropriate *cy pres* designee. Bet Tzedek's Employment Rights Project ("ERP") seeks to enforce minimum labor standards in the workplace by assisting low-wage workers through a combination of individual representation before the Labor Commissioner, advice and counsel through clinics, litigation in state and federal court, legislative advocacy, and community education. Our cases often involve non-payment of minimum wage and other wage-and-hour violations as well as illegal retaliation in the workplace. ERP clients are employed in a wide variety of industries, including the restaurant, manufacturing, domestic, carwash, garment, janitorial, and construction

1 industries. All ERP clients are low-income. Many ERP clients are immigrant workers who do not
2 speak English or who face other barriers to justice.

3 10. While the majority of ERP's clients are residents of Los Angeles County, we provide
4 legal services to individuals across California, as needed. Most notably, in the landmark federal
5 case *Carillo v. Schneider Logistics, et. al.* (discussed below), I am informed and believe that we
6 represented workers who resided in a number of Inland Empire communities.

7 11. ERP also regularly partners with community-based organizations across the state,
8 such as Warehouse Worker Resource Center, the California Domestic Worker Coalition,
9 Maintenance Cooperation Trust Fund, California Rural Legal Assistance, Restaurant Opportunity
10 Center, and Worksafe. Through these partnerships, we have been able to provide legal clinics for
11 individuals across California, provide legal support for workers' rights campaigns, prepare and
12 present Know Your Rights trainings, assist with outreach, and provide technical assistance on a
13 variety of legal issues, including assistance with wage theft claims. We also engage in policy
14 advocacy on a state-level, and our policy initiatives have impacted millions of workers across the
15 state.

16 12. ERP was founded in 2001, and currently has a staff of four full-time staff attorneys,
17 and a post-graduate Employment Rights Project Fellow. Since its inception in 2001, I am
18 informed and believe that ERP staff, volunteers, and pro bono attorneys have helped over 7,000
19 individuals in cases involving unpaid wages; labor exploitation and human trafficking; and other
20 workplace issues. Our advocates have developed unparalleled expertise in litigating workplace
21 retaliation claims. These efforts have achieved impressive results. Over the course of the project,
22 I am informed and believe that Bet Tzedek has obtained over \$40 million in negotiated settlements
23 or court awarded judgments for our clients.

24 13. Currently, ERP conducts a weekly virtual clinic for low-wage workers seeking
25 counsel and representation. We have additionally educated thousands of workers about their
26 employment rights through ongoing presentations at schools, community centers, and places of
27 worship, including regular presentations at day laborer and domestic worker centers across the
28 greater Los Angeles area.

1 14. In addition to representing individual clients and educating the community, ERP
2 litigates impact cases on behalf of workers in the underground economy who suffer egregious
3 workplace violations. For example, I am informed and believe that:

- 4 a. In 2019, ERP helped to negotiate a \$500,000 settlement to compensate over 400
5 restaurant and food preparation workers for alleged unpaid wages and other
6 employment violations. *Kaputsos v. Kreation Organic, Inc. et al.*, Los Angeles
7 Superior Court Case No. BC643289. The suit alleged that defendants: (1) failed to
8 properly pay overtime wages; (2) failed to properly pay minimum wages; (3) failed to
9 provide compliant meal and rest periods and/or associated premiums; (4) failed to
10 provide sick leave; (5) failed to keep requisite payroll records; (6) failed to timely pay
11 wages during employment; (7) failed to timely pay final wages and associated waiting
12 time penalties; (8) failed to furnish accurate itemized wage statements; (9) conversion;
13 (10) violated California Business & Professions Code §§ 17200, et seq; and (11)
14 penalties pursuant to PAGA.
- 15 b. In 2018, ERP helped to negotiate a \$1.875 million settlement to compensate over
16 10,000 warehouse workers for alleged unpaid wages and other employment violations.
17 *Ayala et al. v. California Cartage Company, Inc. et al.*, Los Angeles Superior Court
18 Case No. BC566992. The suit alleged that defendants: (1) failed to maintain a
19 reasonable temperature in the workplace; (2) failed to provide recovery periods in
20 violation of Labor Code § 226.7(b); (3) failed to reimburse employees for necessary
21 equipment and tools, such as steel-toed shoes and mechanics' tools; (4) failed to pay
22 employees at rates required by the Los Angeles Living Wage Ordinance; (5) failed to
23 pay reporting time pay on days that employees report to work but are sent home; (6)
24 retaliated against employees who have participated in the lawsuit and otherwise
25 advocated for improved working conditions; and (7) failed to pay employees for all
26 hours worked, such as pre-shift and post-shift time that exceeds their scheduled work
27 hours, and training time.

- 1 c. In 2014, ERP teamed with prominent civil rights firms to sue a complex of warehouses
2 in California's inland empire for egregious labor abuses against a class of over 1200
3 workers. In this landmark federal case, *Carrillo v. Schneider Logistics, Inc., et al.*,
4 U.S. District Court, Central District Case No. CV 11-8557 CAS, complicated
5 subcontracting schemes meant that men and women were formally hired as temporary
6 workers for staffing agencies while actually laboring for years in the same workplace
7 for rates well below the minimum wage, while managers falsified records to conceal
8 the fraud. Plaintiffs obtained a series of preliminary injunctions, including a crucial
9 injunction halting planned mass retaliatory layoffs, which were affirmed by the 9th
10 Circuit Court of Appeals. The case resulted in a historic settlement totaling \$22.7
11 million.
- 12 d. In 2011, ERP negotiated a \$1 million settlement to compensate approximately 400
13 employees of four Los Angeles carwashes for unpaid wages and other employment
14 violations. *Cantor et al. v. Hollywood Car Wash, et al.*, Los Angeles Superior Court
15 Case No. BC391252. The suit alleged that employees routinely worked 10-hour days
16 for less than half the minimum wage, while others received no pay whatsoever and
17 worked solely for tips.
- 18 e. In 2009, ERP joined forces with the City of Los Angeles in its civil action against a
19 South Los Angeles garment factory for failure to pay overtime wages and for
20 hazardous working conditions including bathrooms without plumbing or clean water,
21 vermin infestation, exposure to harmful chemicals, and locked exits potentially
22 trapping workers in the event of an emergency. *People v. Seventeen, Inc., et al.*, Los
23 Angeles Superior Court Case No. BC417214. ERP represented workers in individual
24 wage claims and as witnesses in the City's action. At the same time, ERP successfully
25 defended six of the City's witnesses in a retaliatory defamation action brought by the
26 sweatshop. *Seventeen, Inc. v. Alvarado, et al.*, Los Angeles Superior Court Case No.
27 BC433864. In 2010, the case resulted in a consent decree that provided for \$225,000
28

1 in monetary recovery as well as the appointment of a monitor to ensure the factory's
2 ongoing compliance with the law.

3 15. The gap between the number of eligible individuals in California in need of legal
4 services and the number legal aid attorneys available to assist, often referred to as "the Justice
5 Gap," continues to grow. We anticipate that we will continue to see a significant number of
6 employees in need of advocacy. In short, the need for Bet Tzedek's services will remain critical.

7 16. Currently, it is likely we will not have the resources to meet the anticipated need. Bet
8 Tzedek relies heavily on Interest on Lawyer Trust Account (IOLTA) funds from the California
9 State Bar.

10 17. We provide legal clinics and engage in workers' rights policy advocacy on a state-
11 level. Any recovery of *cy pres* funds will directly support Bet Tzedek's vital legal services on
12 which so many Californians depend in order to access the justice they deserve.

13 18. For these reasons, Bet Tzedek would be an appropriate *cy pres* designee for any
14 remaining funds in this case.

15
16 I declare under penalty of perjury under the laws of the United States and the State of California
17 that the foregoing is true and correct. Executed at Los Angeles, California on December 16,
18 2024.

19
20 Mary Tanagho Ross

21 Mary Tanagho Ross
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(PROOF OF SERVICE)
[CCP 1013(a)(3)]

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On December 20, 2024, I served all interested parties in this action the following documents described as: **DECLARATION OF MARY TANAGHO ROSS OF BET TZEDEK** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

David L. Cheng
dcheng@fordharrison.com
Min K. Kim
mkim@fordharrison.com
FORD & HARRISON LLP
350 S. Grand Avenue, Suite 2300
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Emil Davtyan
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D.LAW, INC.
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Glendale, CA 91203

[XX] BY ELECTRONIC SERVICE: I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing ("EF") System (<https://dir.tfaforms.net/315>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

[XX] (BY ELECTRONIC MAIL TRANSMISSION) I caused the document to be send to the persons at the e-mail address(es) listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A pdf copy of which was sent via email to the below email address(es).

[XX] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on December 20, 2024, at Los Angeles, California.



Taylor Gregg