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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ERIC CHAVEZ, as an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

CONVERSE, INC., a Delaware
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 15-cv-03746-NC

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

Date: November 20 2020
Time: 1:00 p.m.
Courtroom: 5, 4th Floor
Judge: Hon. Nathanael M. Cousins

Complaint Filed: July 10, 2015

1 Dennis S. Hyun (State Bar No. 224240)
dhyun@hyunlegal.com

2 **HYUN LEGAL, APC**
3 515 S. Figueroa St., Suite 1250
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DECLARATION OF DENNIS S. HYUN

I, DENNIS S. HYUN, hereby declare and state as follows:

1. I am an attorney at law duly admitted to practice before all courts in the State of California and am a member of the law firm of the Hyun Legal, APC, one of the attorneys of record for Plaintiff Eric Chavez ("Plaintiff"), in the above entitled action.

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

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

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

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-

1 01352 MWF (PLAx) and *Vass v. Gardner Trucking*, San Joaquin Sup. Ct. Case No. 39-2013-
2 294819-CU-OE-STK. Additionally, in *Chavez*, Case No. 15-cv-03746-NC, *Dynabursky* Case
3 No. 8:12-cv-02210-JLS-RNB, *Pace*, Case No. SACV13-500 DOC, *Rodriguez*, Case No. 5:14-
4 CV-1508 BLF, *Stafford*, Case No. 14-01352 MWF (PLAx), *Gonzales*, Los Angeles Sup. Ct.
5 Case No. BC502826, and *Magadia*, Case No. 5:17-cv-00062-LHK, I was certified as class
6 counsel pursuant to the plaintiff's motion for class certification. Further, in *Stafford* and
7 *Magadia*, we tried these certified class claims via bench trial and prevailed. In *Magadia*, we
8 obtained a \$102 million judgment for the class against Walmart. Moreover, I have been
9 approved as class counsel in connection with numerous class settlements.

10 7. Each side has apprised the other of their respective factual contentions, legal
11 theories and defenses, resulting in extensive arms' length negotiations taking place among the
12 Parties, including one full day of mediation before Michael Loeb, Esq. Based on their own
13 independent investigation and evaluation, the Parties and their respective counsel are of the
14 opinion that the Settlement for the consideration and on the terms set forth in the Class Action
15 Settlement Agreement are fair, reasonable, and adequate and the settlement is in the best interests
16 of the Settlement Class and Defendant in light of all known circumstances and the expenses and
17 risks inherent in litigation.

18 8. Plaintiff's counsel conducted extensive investigation and discovery, including
19 formal written discovery; contacting and interviewing then-putative class members; taking and
20 defending numerous depositions, including that of Plaintiff, Defendant's FRCP 30(b)(6)
21 Corporate Representatives, numerous class members, and experts; subpoenaing and reviewing
22 relevant records from third parties; exchanging class time and payroll data and documents; and
23 conducting expert discovery.

24 9. Plaintiff also believes in the fairness of the settlement that is based on factoring in
25 the uncertainty and risks to Plaintiff involved in not prevailing on his certified class claims at
26 trial and the possibility of appeals.

27 10. To date, I have incurred approximately 674.7 hours in connection with the
28 litigation of this lawsuit. Subject to and without waiving the attorney-client privilege and work-

1 product doctrine, a breakdown of these hours is reflected in the spreadsheet attached as Exhibit
2 “A.”

3 11. I also anticipate spending an additional 10 hours through the final approval
4 hearing, including on matters such as preparing the Motion for Final Approval, review, research
5 and reply to any objections filed to the Class Action Settlement, further conferring with class
6 members regarding the case status, as well as post-final approval, including communicating with
7 class members and administering the settlement. Class Counsel has also received a number of
8 calls during the settlement administration process from Class Members with questions about the
9 case and the current settlement, all of which have been responded to by Counsel.

10 12. My current billing rate is at \$750.00 per hour. Courts have approved my hourly
11 rate of \$650.00 since 2014. In cases approved in 2018 and 2019, the Santa Clara County
12 Superior Court approved my hourly rate of \$700.00 in *Huertas v. Chevron Stations*, Santa Clara
13 Sup. Ct. Case No. 17CV309996, and *Chavez v. Hugo Boss, Inc.*, Santa Clara Sup. Ct Case No.
14 18CV322644. In 2020, Judges Davila and Beeler of the United States District Court, Northern
15 District of California, approved my hourly rate of \$750 in *Ramirez v. Walgreen*, N.D. Cal. Case
16 No. 18-cv-03921-EJD (Dkt. No. 34), and in *Reilly v. Recreational Equipment, Inc.*, N.D. Cal.
17 Case No. 3:18-cv-07385-LB (Dkt. No. 61), respectively, as well as the Santa Clara County
18 Superior Court in *Hernandez v. Wells Fargo Bank*, Santa Clara Sup. Ct. Case No. 16CV299319.
19 Moreover, in *Brown*, C.D. Cal. Case No. 2:15-cv-07631-PSG-PJW, *Pace*, Case No. SACV13-
20 500 DOC, *Barrera* N.D. Cal. Case No.: C 12 5199 LHK (HRL), *Naranjo*, N.D. Cal. Case No. C
21 14-02748 LHK, *Ortegon-Ramirez*, Case No. 1-13-CV-254098, and *Vass*, Case No. 39-2013-
22 294819-CU-OE-STK, the Courts in those cases found my fee request as reasonable, which was
23 supported by a lodestar based on my hourly rate of \$650. Further, Judge Gutierrez in *Brown v.*
24 *CVS* noted as follows when approving my hourly rate of \$650: “[t]he Court finds that, given the
25 type of work performed and the experience of counsel in this case, **Plaintiff’s attorneys**
26 **performed in the upper quartile of similarly situated attorneys,** and so are entitled to fees in
27 the top range of that suggested by the Real Rate Report.” *Brown v. CVS Pharmacy, Inc.*, No.
28 CV15-7631 PSG (PJWX), 2017 WL 3494297, at *8 (C.D. Cal. Apr. 24, 2017) (emphasis added).

1 As such, the total of my firm's attorney's fees through final approval is expected to be \$513,525
2 (684.7 hours x \$750).

3 13. I have incurred \$1,573.86 in costs, a true and correct breakdown of which is
4 attached hereto as Exhibit "B."

5 14. Plaintiff's counsel does not have any relationship with Legal Aid at Work.

6 I declare under penalty of perjury under the laws of the State of California and the United
7 States that the foregoing is true and correct.

8 Executed on October 15, 2020, at Los Angeles, California.

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11 /s/ Dennis S. Hyun

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Dennis S. Hyun

EXHIBIT “A”

<u>Description</u>	<u>Hours</u>
Review client documents	3.2
Review and revise PAGA letter	2.5
Draft Complaint	8.6
Legal research re Labor Code sections	3.7
Draft Requests for Production	6.3
Draft Interrogatories	4.5
Review notice of removal and potential for remand	2.5
Review and revise ADR document	0.3
Confer with defense counsel re CMC	0.5
Draft case management conference statement	2.5
Draft objection to notice of plaintiff's deposition	1.5
Draft notice of deposition of Defendants' PMK	6.5
Draft initial disclosures	4.5
Draft first amended complaint	6.5
Draft stipulation re first amended complaint	2.5
Confer with defense counsel	3.5
Draft PAGA letter re 203	1.5
Draft responses to First Set of Requests for Production	6.2
Draft Belaire notice	3.5
Draft stipulation for Belaire	2.5
Draft letter brief re Belaire	6.5
Review Defendant's document production	8.5
Review Defendant's discovery responses	4.5
Draft responses to First Set of Requests for Production	7.5
Draft 2nd set of discovery	6.5
Draft further CMC statement	1.2
Draft proposed case schedule	3.2
Draft objections to notice of plaintiff deposition	4.9
Draft meet and confer email	5.4
Draft proposed protective order	2.5
Interview class members for class certification	20
Draft class member declarations for class certification	8.5
Draft further cmc statement	3.5
Plan and prepare for 1st 30(b)(6) deposition re security checks, pull exhibits,	8.5
Conduct 30(b)(6) deposition re security checks	7.5
Draft stipulation and ex parte to continue Kiefer deposition	4.5
Conduct 2nd 30(b)(6) deposition	4.5
Review 30(b)(6) deposition transcripts	8.5
Travel to and from San Jose to defend plaintiff's deposition	5
Meeting with plaintiff re deposition	2.5
Defend plaintiff's deposition	5.5
Review plaintiff's deposition and confer re errata sheet	4.5

Draft response letter to defendant's meet and confer letter	2.5
Draft further CMC statement	0.5
Review and revise PAGA letter on behalf of class member	2.7
Review and revise opposition to defendant's discovery motion re class mem	4.5
Draft third set of discovery	5.3
Draft fourth set of discovery	4.9
Draft fifth set of discovery	3.9
Draft sixth set of discovery	2.5
Draft further CMC statement	3.4
Draft stipulation re class notice and notice	5.2
Draft motion to continue	3.5
Draft letter brief re taking class member depositions	7.8
Draft declaration in support of class certification	4.5
Review motion for summary judgment re regular rate	6.5
Research and draft opposition to motion for summary judgment	15.5
Review reply iso motion for summary judgment	4.5
Review ruling on motion for summary judgment as to regular rate	1.5
Review and revise motion for class certification	12.5
Review and revise reply iso class cert	7.9
Draft motion for partial summary judgment	8.5
Take deposition of Christian Escobedo	2.5
Travel to and from LA/Redlands to take depositions of class members (non a	3.5
Travel to and from Riverside/LA to take deposition of Julie Garcia	5.5
Travel to and from Fremont/LA to take depositions of Leano Esteves and Sal	8.5
Travel to and from Ontario/LA to take deposition of Gaytan Loretta	4.5
Travel to and from San Diego/Carlsbad and LA to take depositions of Villalok	8.5
Review deposition transcripts of class members and draft summary re same	50
Draft notice of new authority	1.4
Review ruling on motion for class certification	3.5
Draft stipulation to extend dates	2.5
Draft stipulation to continue to permit mediation	2.5
Draft 3rd set of discovery	4.9
Draft post-certification class notice	4.5
Draft stipulation to extend class notice	2.5
Draft letter brief re discovery dispute on wage statements/payroll records	7.5
Draft responses to Second Set of Requests for Production	5.6
Draft second notice of 30(b)(6) deposition	3.5
Review and revise mediation brief	7.5
Review and analyze class data for mediation	1.5
Review mediator's proposal	0.5
Draft stipulation to stay deadlines	2.5
Research and draft motion for partial summary judgment	12.5
Draft administrative motion re summary judgment	3.8

Draft further CMC statement	3.6
Draft stipulation to extend discovery cutoff	2.5
Review defendant's 2nd motion for summary judgment	6.5
Review and revise opposition to 2nd motion for summary judgment	10.5
Review opposition to plaintiff's motion for summary judgment	5.4
Review and revise reply iso motion for summary judgment	12.5
Review defendant's reply iso motion for summary judgment	4.5
Review and revise expert report	2.5
Review ruling on cross motions for summary judgment	3.5
Review and revise appellant's motion to stay	2.5
Review and revise opening brief	15
Review and revise appellant's motion to extend deadline	2.3
Review defendant's response brief on appeal	6.5
Review and revise reply brief on appeal	5.5
Legal research re motion for preliminary approval	4.5
Review and revise opposition to motion to stay	3.9
Review Crandall report	7.6
Draft objection to defendant's bill of costs	3.5
Plan and prepare for trial, attend trial meeting	4.5
Draft supplemental expert disclosure	2.5
Draft final pretrial statement	7.5
Draft objection to notice of deposition of expert	5.4
Review motion to decertify	5.5
Review and revise opposition to motion to decertify	6.8
Travel to and attend hearing on motion for summary judgment	5
Begin draft of motion for preliminary approval	6.7
Draft declaration of Dennis Hyun ISO motion for preliminary approval	2.6
Review and revise settlement agreement	6.5
Review and revise class notice	4.5
Confer with class members re settlement	15
Confer with defense counsel	20
Review and finalize motion for preliminary approval	5.9
Draft motion for attorneys' fees and final approval	7.5
Draft Declaration of Dennis Hyun ISO motion for final approval.	5.2
Draft plaintiff Decl ISO motion for final approval	2.2
Review and revise final approval motion	4.2
Review and revise final judgment	3.9
Total	674.7

EXHIBIT “B”

Description of Cost	Amount
Flight for plaintiff depo	445.97
Parking at BUR	20
Taxi from SJC to hotel	18.52
Chavez MSJ Flight	135.96
Chavez MSJ Park	10
Class Cert Flight	282.96
Class Cert Park	10
Lyft	14.64
Class Mem Dep Flt Oak	225.45
Lyft	100
Parking at Bur	10
MSJ Hearing re 203 Flight	236.36
Parking at Bur	24
Lyft to and from court	40
Total	1573.86