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Attorneys for Plaintiff CHARMAINE TATE  
As an individual and on behalf of all others similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF EL DORADO**

CHARMAINE TATE, as individuals and on  
behalf of all others similarly situated,

Plaintiffs,

vs.

PRO ENERGY SERVICES GROUP, LLC, a  
Delaware Limited Liability Company; and DOES  
1-100, inclusive,

Defendants.

Case No. 23CV0586

[Hon. Gary S. Stossberg, Department 9]

**DECLARATION OF SIMON L. YANG IN  
SUPPORT OF MOTION FOR FINAL  
APPROVAL OF CLASS ACTION  
SETTLEMENT AND REQUEST FOR  
ATTORNEY'S FEES AND COSTS**

Date: February 21, 2025

Time: 8:30 a.m.

Dept. 9

1 I, Simon L. Yang, declare as follows:

2 1. I am an attorney admitted to practice in the State of California and, with the law firm  
3 Diversity Law Group, P.C., am counsel of record for Dave Crockett. I make this declaration on the basis  
4 of my own personal knowledge, except as to those matters stated on information and belief and, as to  
5 those matters, I believe them to be true. If called as a witness, I could testify competently as to the facts  
6 stated in this declaration.

7 2. Although I am confident that litigation of the claims would result in a classwide judgment  
8 against Defendant, I recognize the inherent risks in litigation, including the specific risks that class  
9 certification could be denied, liability could not be established at trial, or the applicable law could  
10 change. I believe the settlement for each Class Member is fair, reasonable, and adequate, as well as in  
11 their best interests, given the inherent risks of litigation, as well as the potential for appeals and the costs  
12 of pursuing litigation. The settlement is the result of extensive arms' length negotiations between the  
13 Parties and their counsel.

14 3. I am one of the primary attorneys on this matter. My qualifications are as follows: After  
15 completing my undergraduate education at The Wharton School at the University of Pennsylvania in  
16 2004 with concentrations in Management and Human Resources, I continued studying labor and  
17 employment issues by enrolling in post-graduate education at the School of Labor and Employment  
18 Relations at the University of Illinois. I determined before enrolling in law school that I wanted to  
19 practice labor and employment law in California. I thus received my J.D. from UCLA School of Law in  
20 2008. During law school, I spent the summer of 2006 with the National Labor Relations Board, Region  
21 21, and the summer of 2007 with the law firm of Seyfarth Shaw LLP in 2007.

22 4. Upon graduating from law school in 2008, I practiced labor and employment law at  
23 Seyfarth Shaw LLP, a well-regarded labor and employment firm. I was elevated to partner in 2019. My  
24 practice focused on wage and hour class, collective, and representative actions, with a particular  
25 emphasis on matters involving the Labor Code Private Attorneys General Act of 2004 ("PAGA").  
26 During my time with Seyfarth Shaw LLP, I was a primary attorney on numerous wage and hour class,  
27 collective, and representative actions that resulted in published opinions, including for example, *Ehret v.*  
28 *WinCo Foods, LLC*, 26 Cal. App. 6th 1 (2018) (affirming summary judgment in PAGA action based on

1 absence of meal period violations in light of collectively bargained waiver of meal periods on shifts of  
2 not more than six hours), and *Ruelas v. Costco Wholesale Corp.*, 67 F. Supp. 3d 1137 (C.D. Cal. Sept. 8,  
3 2014) (obtaining dismissal of wage statement allegations in PAGA representative action). I was also  
4 able to obtain experience litigating representative claims or wage and hour matters through trial and  
5 appeal. *E.g.*, *Velazquez v. Costco Wholesale Corp.*, 603 Fed. App'x 584 (9th Cir. Mar. 25, 2015)  
6 (reversing award of waiting-time penalties based on lack of evidence supporting any willful failure to  
7 pay wages); *Ward v. Costco Wholesale Corp.*, 552 Fed. App'x 631 (9th Cir. Jan. 9, 2014) (affirming  
8 bench-trial judgment in favor of defendant against named plaintiff and 18 opt-in plaintiffs in collective  
9 action with involving deductions from final paychecks). I also litigated class certification on numerous  
10 matters. *E.g.*, *Martinez v. Guess?, Inc.*, Los Angeles Superior Court Case No. BC 498326 (obtaining  
11 denial of class certification on behalf of retail employees alleging bag check claims).

12         5.         Based on my experience in wage and hour class, collective, and representative actions, I  
13 have been interviewed and quoted in articles published in the Northern California Record about  
14 legislative efforts to reform PAGA. I also have published articles on myriad topics relevant to wage and  
15 hour class and representative action litigation, including for example articles on California kin care  
16 requirements in *Employee Relations Law Journal* (Vol. 36, No. 2), the extraterritorial application of  
17 California employment laws in *The Recorder* (134RD Year No. 28), and California meal and rest break  
18 laws in *California Transportation News*, a publication of the California Construction Trucking  
19 Association.

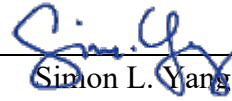
20         6.         In 2020 I left Seyfarth Shaw LLP and joined my current firm, Diversity Law Group, P.C.,  
21 which also focuses on employment law. I have handled a number of wage and hour class and  
22 representative actions and continue litigating such matters in numerous Superior Courts and District  
23 Courts. From matters with both Seyfarth Shaw LLP and Diversity Law Group, P.C., I have successfully  
24 mediated the resolution of dozens of wage and hour class, collective, and representative actions. I have  
25 obtained class certification, and no court has ever found me to be inadequate class counsel.

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1 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
2 true and correct. Executed this 23<sup>rd</sup> day of January 2025, at Pasadena, California.

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Simon L. Yang