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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 an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

PRO ENERGY SERVICES GROUP, LLC, a
Delaware Limited Liability Company; and DOES
1 through 50, inclusive,

Defendants.

Case No. 23CV0586

**DECLARATION OF SIMON L. YANG IN
SUPPORT OF PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: TBD
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 Plaintiff, Dave Crockett. I make this declaration on
4 the basis of my own personal knowledge, except as to those matters stated on information and belief
5 and, as to those matters, I believe them to be true. If called as a witness, I could testify competently as to
6 the facts 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 recognize that the settlement resulting from extensive arm's length negotiations between the
11 Parties is fair, reasonable, and adequate for each Class Member, given the inherent risks of litigation, as
12 well as the potential for appeals and the costs of pursuing litigation.

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

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

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

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

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

7. My co-counsel and I will adequately represent the Class Members in this action. We have and will zealously represent Plaintiff and the Class and pursue this lawsuit to its conclusion.

8. Along with the filing of the motion for preliminary approval of the settlement in this matter, my regular practice would be to direct my office staff to similarly upload a copy of the motion papers to the Labor and Workforce Development Agency (“LWDA”) in compliance with Section 2699(1)(2) and (4). Similarly, upon approval of a settlement in this matter, my regular practice would be to direct my office staff to similarly upload a copy of the Court’s judgment, papers, or other orders awarding civil penalties under PAGA.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 5th day of August 2024, at Pasadena, California.


Simon L. Yang