

DIVERSITY LAW GROUP, P.C.
Larry W. Lee (State Bar No. 228175)
lwlee@diversitylaw.com
Simon L. Yang (State Bar No. 260286)
sly@diversitylaw.com
515 South Figueroa Street, Suite 1250
Los Angeles, California 90071
Telephone: (213) 488-6555
Facsimile: (213) 488-6554

HYUN LEGAL, APC
Dennis S. Hyun (State Bar No. 224240)
515 South Figueroa Street, Suite 1250
Los Angeles, California 90071
Telephone: (213) 488-6555
Facsimile: (213) 488-6554

Attorneys for Plaintiff and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE

JOSEPH GUEVARA, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

GLOBAL MAIL, INC., an Ohio corporation; and
DOES 1 through 50, inclusive,

Defendants.

Case No. 21STCV12053

[Hon. David S. Cunningham, Dept. 11]

**DECLARATION OF DENNIS S. HYUN IN
SUPPORT OF PLAINTIFF’S MOTION FOR
FINAL APPROVAL**

Date: April 24, 2023
Time: 10:00 a.m.
Department: 11

Complaint Filed: March 29, 2021

1 I, Dennis S. Hyun, hereby declare and state as follows:

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

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

7 3. I am one of the primary attorneys on this matter. My qualifications are as follows:
8 I received my JD from Loyola Law School in 2002. I was named to the Dean's Honor List from
9 2000-2002. During law school, I was a Senior Research Editor for Loyola International &
10 Comparative Law Review. I was also a research assistant for Professor Levenson, an extern at the
11 U.S. District Court for the Honorable Audrey B. Collins, and a clerk at the U.S. Attorney's Office,
12 Criminal Division. I also served as a summer law clerk at the white-collar criminal defense firm,
13 Lightfoot, Vandavelde, *et al.*, which became part of Crowell & Moring LLP. Upon graduation
14 from law school, I served as a research attorney in the Los Angeles County Superior Court for the
15 Hon. J. Stephen Czuleger, the Hon. Owen Lee Kwong, the Hon. Laurie D. Zelon, and the Hon.
16 Joanne B. O'Donnell. After my clerkship ended, I practiced as a labor and employment associate
17 for the next 8 years, including most recently as a senior associate at Seyfarth Shaw LLP, as well as
18 DLA Piper LLP (US), and Morgan, Lewis & Bockius LLP. I am currently a shareholder in the
19 law firm Hyun Legal, APC.

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

26 5. I have served as Class Defense Counsel in a number of wage and hour class
27 actions, including but not limited to: *Bradley v. Networkers Int'l, LLC*, 211 Cal. App. 4th
28 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*,

1 Los Angeles Sup. Ct. Case No. BC 377184; *Jimenez v. Allstate Ins. Co.*, C.D. Cal. Case No.
2 CV10-08486 JAK (FFMx); *Marino v. BP West Coast Products*, Los Angeles Sup. Ct. Case No.
3 BC 357987; *McEntee v. Ryland Homes*, Los Angeles Sup. Ct. Case No. BC 390868; *McKinstry v.*
4 *Accenture*, C.D. Cal. Case No. SACV11-1335 DOC (ANx); *Munoz v. Decron Properties*, Los
5 Angeles Sup. Ct. Case No. BC387644; and *Rodriguez v. BP West Coast Products*, Los Angeles
6 Sup. Ct. Case No. BC 350736. As defense counsel, I have taken over 50 class member and
7 individual/representative plaintiff depositions. I have drafted class certification and decertification
8 papers, including in *Bradley*, which was initially affirmed by the Court of Appeal, but reversed
9 pursuant to *Brinker v. Superior Court*, 53 Cal. 4th 1003 (2012).

10 6. Currently, I am and/or was lead plaintiff's counsel in the following wage and hour
11 class or representative actions: *Asad v. Chevron Stations, Inc.*, Los Angeles Sup. Ct. Case No.
12 BC470198; *Barrera v. Home Depot (USA), Inc.*, N.D. Cal. Case No.: C 12 5199 LHK (HRL);
13 *Bararsani v. Coldwell Banker*, Los Angeles Sup. Ct. Case No. BC495767; *Barreras v. Michaels*
14 *Stores, Inc.*, N.D. Cal. Case No. C12-04474 PJH; *Brown v. CVS Pharmacy, Inc.*, C.D. Cal. Case No.
15 2:15-cv-07631-PSG-PJW; *Chatman v. RMI Int'l, Inc.*, Los Angeles Sup. Ct. Case No. BC 495755;
16 *Chavez v. Converse, Inc.*, N.D. Cal. Case No. 15-cv-03746-NC; *Dynabursky v. AlliedBarton, LLC*,
17 et al., C.D. Cal. Case No. 8:12-cv-02210-JLS-RNB; *Gonzales v. Wells Fargo Bank, N.A.*, Los
18 Angeles Sup. Ct. Case No. BC502826; *Lao v. H&M Hennes & Mauritz*, N.D. Cal. Case No. 5:16-
19 cv-333 EJD; *Lee v. The Pep Boys Manny Moe & Jack of California*, Los Angeles Sup. Ct. Case No.
20 BC 496075; *Magadia v. Wal-Mart Assocs.*, N.D. Cal. Case No. 5:17-cv-00062-LHK; *Naranjo v.*
21 *Bank of America, N.A.*, N.D. Cal. Case No. C 14-02748 LHK; *Ortegon-Ramirez v. Cedar Fair*,
22 Santa Clara Sup. Ct. Case No. 1-13-CV-254098; *Pace v. PetSmart, Inc.*, C.D. Cal. Case No.
23 SACV13-500 DOC; *Rodriguez v. NIKE Retail Services, Inc.*, N.D. Cal. Case No. 5:14-CV-1508
24 BLF; *Stafford v. Brink's, Incorporated*, Case No. CV 14-01352 MWF (PLAx) and *Vass v. Gardner*
25 *Trucking*, San Joaquin Sup. Ct. Case No. 39-2013-294819-CU-OE-STK. Additionally, in *Chavez*,
26 Case No. 15-cv-03746-NC, *Dynabursky* Case No. 8:12-cv-02210-JLS-RNB, *Pace*, Case No.
27 SACV13-500 DOC, *Rodriguez*, Case No. 5:14-CV-1508 BLF, *Stafford*, Case No. 14-01352 MWF
28 (PLAx), *Gonzales*, Los Angeles Sup. Ct. Case No. BC502826, and *Magadia*, Case No. 5:17-cv-
00062-LHK, I was certified as class counsel pursuant to the plaintiff's motion for class certification.

1 Further, in *Stafford* and *Magadia*, we tried these certified class claims via bench trial and prevailed.
2 In *Magadia*, we obtained a \$102 million judgment for the class against Walmart, but was reversed
3 by the Ninth Circuit. Moreover, I have been approved as class counsel in connection with
4 numerous class settlements.

5 7. My current billing rate is at \$750.00 per hour. Courts have approved my hourly
6 rate of \$650 since 2014. In cases approved in 2018 and 2019, the Santa Clara County Superior
7 Court approved my hourly rate of \$750 in *Hernandez v. Wells Fargo Bank*, Santa Clara Sup. Ct.
8 Case No. 16CV299319, and \$700 in *Huertas v. Chevron Stations*, Santa Clara Sup. Ct. Case No.
9 17CV309996, and *Chavez v. Hugo Boss, Inc.*, Santa Clara Sup. Ct Case No. 18CV322644. In
10 2019, the Honorable David Cunningham of the Los Angeles County Superior Court approved my
11 hourly rate of \$700 in connection with awarding attorneys' fees after we prevailed on the certified
12 class action in *Stafford*, Case No. BC532260. In 2020, Judges Davila and Beeler of the United
13 States District Court, Northern District of California, approved my hourly rate of \$750 in *Ramirez*
14 *v. Walgreen*, N.D. Cal. Case No. 18-cv-03921-EJD (Dkt. No. 34), and in *Reilly v. Recreational*
15 *Equipment, Inc.*, N.D. Cal. Case No. 3:18-cv-07385-LB (Dkt. No. 61), respectively, as well as the
16 Santa Clara County Superior Court in *Hernandez v. Wells Fargo Bank*, Santa Clara Sup. Ct. Case
17 No. 16CV299319. Moreover, in *Brown*, C.D. Cal. Case No. 2:15-cv-07631-PSG-PJW, *Pace*, Case
18 No. SACV13-500 DOC, *Barrera* N.D. Cal. Case No.: C 12 5199 LHK (HRL), *Naranjo*, N.D. Cal.
19 Case No. C 14-02748 LHK, *Ortegon-Ramirez*, Case No. 1-13-CV-254098, and *Vass*, Case No. 39-
20 2013-294819-CU-OE-STK, the Courts in those cases found my fee request as reasonable, which
21 was supported by a lodestar based on my hourly rate of \$650. Further, Judge Gutierrez in *Brown*
22 *v. CVS* noted as follows when approving my hourly rate of \$650: "[t]he Court finds that, given the
23 type of work performed and the experience of counsel in this case, **Plaintiff's attorneys**
24 **performed in the upper quartile of similarly situated attorneys**, and so are entitled to fees in
25 the top range of that suggested by the Real Rate Report." *Brown v. CVS Pharmacy, Inc.*, No.
26 CV15-7631 PSG (PJWX), 2017 WL 3494297, at *8 (C.D. Cal. Apr. 24, 2017) (emphasis added).
27 I have incurred a total of 56.5 hours to date. I anticipate spending an additional 10 hours through
28 approval and post-approval, including responding to objections, conferring with class members,

1 defense counsel and the administrator, as well as appearing on the hearing of the Motion for Final
2 Approval. As such, the total of my firm's attorney's fees through the approval hearing is expected
3 to be \$49,875.00 (66.5 hours x \$750). A true and correct copy of the breakdown of my hours is
4 attached hereto as **Exhibit "A."**

5 8. I have incurred a total of \$15.00 in costs for one Court Connect appearance fee.

6 9. Each side has apprised the other of their respective factual contentions, legal
7 theories and defenses, resulting in extensive arms' length negotiations taking place among the
8 Parties. Based on their own independent investigation and evaluation, the Parties and their
9 respective counsel are of the opinion that the Settlement for the consideration and on the terms set
10 forth in the Class Action Settlement Agreement are fair, reasonable, and adequate and the
11 settlement is in the best interests of the Class and Defendant Global Mail, Inc. ("Defendant") in
12 light of all known circumstances and the expenses and risks inherent in litigation. Plaintiff is
13 aware that Defendant may raise defenses on the reduction of PAGA penalties and that these
14 arguments could be persuasive to the Court. Thus, even if Plaintiff were to successfully prove his
15 claims at trial, there is a possibility that the Court may only award a small percentage of the
16 maximum PAGA penalties, as the Court has discretion to do so. The Gross Settlement Amount
17 was premised with these risks in mind associated with the possibility of the Court denying class
18 certification, refusing to award waiting time penalties, and significantly reducing Plaintiff's PAGA
19 penalties, along with other attendant risks.

20 10. Plaintiff also believes in the fairness of the settlement that is based on factoring in
21 the uncertainty and risks to Plaintiff involved in not prevailing on one or more of the causes of
22 action or theories alleged in the operative Complaint, the possibility of appeals.

23 11. Plaintiff and Plaintiff's counsel are adequate representatives in that they have no
24 conflicts with the class and will adequately represent the class.

25 ///

26 ///

27 ///

1 12. Plaintiff has authorized the attorneys' fee division of 50% to Diversity Law Group
2 and 50% to my firm pursuant to the retainer agreement he signed.

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

5 Executed on March 28, 2023, at Los Angeles, California.

6 

7 _____
Dennis S. Hyun

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

EXHIBIT “A”

Description of Time	Time
Review client documents	1.5
Review and revise complaint	2.3
Communications with defense counsel	0.5
Draft cmc statement	2.4
Review damage analysis	0.5
Review and revise mediation brief	5.2
Attend mediation	7.5
Draft report on mediation	0.5
Review and revise settlement agreement	7.2
Review and revise class notice	4.7
Review and revise motion for preliminary approval	2.9
Draft declaration in support of motion for preliminary	5.6
Communicate with administrators re settlement and final approval	0.6
Review and revise proposed order on preliminary approval	3.5
Review and revise proposed judgment	2.9
Review and revise motion for attorneys' fees and supporting documents	3.7
Draft declaration in support of motion for final approval	2.3
Review and revise client declaration for final approval	1.5
Review and revise administrator declaration	1.2
	Total
	56.5