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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
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

*[Filed concurrently with Notice of Motion and
Motion for Preliminary Approval of Class Action
Settlement; Memorandum of Points and
Authorities; Declaration of Larry W. Lee;
Declaration of Simon L. Yang; Declaration of
Joseph Guevara; [Proposed] Order]*

Date: August 1, 2022
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 the Hyun Legal, APC, one of the attorneys of record for
4 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 witness
6 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: I
8 received my JD from Loyola Law School in 2002. I was named to the Dean's Honor List from 2000-
9 2002. During law school, I was a Senior Research Editor for Loyola International & Comparative Law
10 Review. I was also a research assistant for Professor Levenson, an extern at the U.S. District Court for
11 the Honorable Audrey B. Collins, and a clerk at the U.S. Attorney's Office, Criminal Division. I also
12 served as a summer law clerk at the white-collar criminal defense firm, Lightfoot, Vandavelde, *et al.*,
13 which became part of Crowell & Moring LLP. Upon graduation from law school, I served as a research
14 attorney in the Los Angeles County Superior Court for the Hon. J. Stephen Czuleger, the Hon. Owen
15 Lee Kwong, the Hon. Laurie D. Zelon, and the Hon. Joanne B. O'Donnell. After my clerkship ended, I
16 practiced as a labor and employment associate for the next 8 years, including most recently as a senior
17 associate at Seyfarth Shaw LLP, one of the most prestigious labor and employment law firms in the
18 country, as well as DLA Piper LLP (US), the largest law firm in the world, and Morgan, Lewis &
19 Bockius LLP. I am currently a shareholder in the law firm Hyun Legal, APC.

20 4. My primary practice has been employment law throughout my entire private career. I
21 have handled a number of wage and hour matters including class actions and individual actions, on
22 behalf of plaintiffs and defendants. I have a practice that encompasses cases in the Orange County
23 Superior Courts, the Los Angeles County Superior Courts, the San Diego County Superior Courts, the
24 United States District Courts for the Southern, Central, Northern and Eastern Districts of California, the
25 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 actions,
27 including but not limited to: *Bradley v. Networkers Int'l, LLC*, 211 Cal. App. 4th 1129 (2012); *Chiu v.*
28 *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 14-01352 MWF (PLAx) and *Vass v. Gardner Trucking*, San Joaquin Sup. Ct. Case No. 39-2013-294819-CU-OE-STK. Additionally, in *Chavez*, Case No. 15-cv-03746-NC, *Dynabursky* Case No. 8:12-cv-02210-JLS-RNB, *Pace*, Case No. SACV13-500 DOC, *Rodriguez*, Case No. 5:14-CV-1508 BLF, *Stafford*, Case No. 14-01352 MWF (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. Further, in *Stafford* and *Magadia*, we tried these certified class claims via bench trial and prevailed. In *Magadia*, we

1 obtained a \$102 million judgment for the class against Walmart, but was reversed by the Ninth Circuit.
2 Moreover, I have been approved as class counsel in connection with numerous class settlements.

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

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

19 9. Plaintiff and Plaintiff's counsel are adequate representatives in that they have no conflicts
20 with the class and will adequately represent the class.

21 10. I understand that the attorneys' fees awarded in this action will be split 50% to Diversity
22 Law Group, P.C. and 50% to Hyun Legal, APC.

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

25 Executed on July 8, 2022, at Los Angeles, California.

26 
Dennis S. Hyun