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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
NORTHERN DISTRICT OF CALIFORNIA**

JOY ANN JULIAN, as an individual and
on behalf of all others similarly situated,

Plaintiffs,

v.

WALGREEN CO., an Illinois corporation;
and DOES 1 through 50, inclusive,

Defendants.

Case No.: 3:20-cv-09446-VC

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

Date: November 18, 2021
Time: 2:00 p.m.
Dept.: Courtroom 4, 17th Floor
Judge: Hon. Vince Chhabria

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DECLARATION OF SIMON L. YANG

I, Simon L. Yang, declare as follows:

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

2. I am one of the primary attorneys on this matter. Since joining the bar, I have focused my practice on wage and hour class, collective, and representative actions. Prior to joining the bar, I developed the interest in the practice while also developing a broad view of labor and employment issues in general. After completing my undergraduate education at The Wharton School at the University of Pennsylvania in 2004 with concentrations in Management and Human Resources, I continued studying labor and employment issues by enrolling in post-graduate education at the School of Labor and Employment Relations at the University of Illinois. I determined before enrolling in law school that I wanted to practice labor and employment law in California. I thus received my J.D. from UCLA School of Law in 2008. During law school, I spent the summer of 2006 with the National Labor Relations Board, Region 21, and the summer of 2007 with the law firm of Seyfarth Shaw LLP in 2007.

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

4. 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.

5. 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. In my time representing plaintiffs, I have been approved as class counsel in each class action settlement proposed submitted to a court for approval. No court has ever found me to be inadequate class counsel.

6. In this matter, my co-counsel and I have and will continue to represent Plaintiff and the class and pursue this lawsuit to its conclusion. We conducted investigation that included

1 formal written discovery and informal discovery. We were able to analyze class data to calculate
2 a damage analysis. Based on independent investigations and evaluations, and with the assistance
3 of the mediator, the Parties and their respective counsel are of the opinion that the proposed
4 settlement for the consideration and on the terms set forth in the Stipulation of Class Action
5 Settlement and Release of Claims is fair, reasonable, and adequate.

6 7. I believe the proposed settlement is in the best interests of the class and Defendant
7 in light of all known circumstances and the expenses and risks inherent in litigation. I believe
8 that my co-counsel and I are adequate class counsel and that Plaintiff is a suitable class
9 representative. I am unaware of any conflicts that with the class. I am aware of our zealous
10 prosecution on behalf of the class. I believe all will adequately represent the class.

11 8. My current billing rate is \$700.00 per hour, which is less than or approximate to
12 my billing rate would have been had I remained at my prior firm. In January of 2019, clients
13 were billed and paid my rate of \$630 per hour. In January of 2020, clients were billed and paid
14 my rate of \$670 per hour. Had I remained at my prior firm, I am informed and believe that my
15 billing rate would have increased in January of 2021 to approximately \$710 per hour and in
16 January of 2022 to approximately \$750 per hour.

17 9. I have incurred a total of 72.5 hours to date. I anticipate spending an additional 10
18 hours through final approval and post-approval for work conferring with counsel. The attorney's
19 fees for this work would be \$57,750 based on my current billing rate.

20 10. Since joining Diversity Law Group, P.C., Simpluris has not been appointed as an
21 administrator in any of my matters. At my prior firm, Simpluris was appointed as an
22 administrator in two matters in which I was a responsible attorney. These cases were *Gomes v*
23 *Progressive Casualty Insurance Company*, Sacramento County Superior Court Case No. 34-
24 2018-00241979, and *Noriesta v. Konica Minolta Business Solutions U.S.A., Inc.*, Merced County
25 Superior Court Case No. 20CV-01183.

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1 I declare under penalty of perjury under the laws of the State of California and the United
2 States of America that the foregoing is true and correct. Executed this 27th day of September
3 2021, at Pasadena, California.

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5 /s/ Simon L. Yang
6 Simon L. Yang
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