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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 DENNIS S. HYUN 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 DENNIS S. HYUN

I, DENNIS S. HYUN, hereby declare and state as follows:

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

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

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

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

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

1 01352 MWF (PLAx) and *Vass v. Gardner Trucking*, San Joaquin Sup. Ct. Case No. 39-2013-
2 294819-CU-OE-STK. Additionally, in *Chavez*, Case No. 15-cv-03746-NC, *Dynabursky* Case
3 No. 8:12-cv-02210-JLS-RNB, *Pace*, Case No. SACV13-500 DOC, *Rodriguez*, Case No. 5:14-
4 CV-1508 BLF, *Stafford*, Case No. 14-01352 MWF (PLAx), *Gonzales*, Los Angeles Sup. Ct.
5 Case No. BC502826, and *Magadia*, Case No. 5:17-cv-00062-LHK, I was certified as class
6 counsel pursuant to the plaintiff's motion for class certification. Further, in *Stafford* and
7 *Magadia*, we tried these certified class claims via bench trial and prevailed. In *Magadia*, we
8 obtained a \$102 million judgment for the class against Walmart, which is currently on appeal.
9 Moreover, I have been approved as class counsel in connection with numerous class settlements.

10 7. Each side has apprised the other of their respective factual contentions, legal
11 theories and defenses, resulting in extensive arms' length negotiations taking place among the
12 Parties, including one full day of mediation before Steve Pearl, Esq., at the conclusion of which,
13 the Parties were able to settle this case. Based on their own independent investigation and
14 evaluation, the Parties and their respective counsel are of the opinion that the Settlement for the
15 consideration and on the terms set forth in the Stipulation of Class Action Settlement and
16 Release of Claims are fair, reasonable, and adequate and the settlement is in the best interests of
17 the Settlement Class and Defendant in light of all known circumstances and the expenses and
18 risks inherent in litigation.

19 8. Plaintiff's counsel conducted investigation and discovery, including formal
20 written discovery and then obtaining data from which Plaintiff's counsel was able to calculate a
21 damage analysis.

22 9. Plaintiff also believes in the fairness of the settlement that is based on factoring in
23 the uncertainty and risks to Plaintiff involved in not prevailing on his certified class claims at
24 trial and the possibility of appeals.

25 10. Plaintiff and Plaintiff's counsel are adequate representatives in that they have no
26 conflicts with the class and will adequately represent the class.

27 11. Plaintiff's counsel does not have any relationship with Legal Aid at Work.

12. My current billing rate is at \$750.00 per hour. Courts have approved my hourly rate of \$650 since 2014. In cases approved in 2018 and 2019, the Santa Clara County Superior Court approved my hourly rate of \$750 in *Hernandez v. Wells Fargo Bank*, Santa Clara Sup. Ct. Case No. 16CV299319, and \$700 in *Huertas v. Chevron Stations*, Santa Clara Sup. Ct. Case No. 17CV309996, and *Chavez v. Hugo Boss, Inc.*, Santa Clara Sup. Ct. Case No. 18CV322644. In 2019, the Honorable David Cunningham of the Los Angeles County Superior Court approved my hourly rate of \$700 in connection with awarding attorneys' fees after we prevailed on the certified class action in *Stafford*, Case No. BC532260. In 2020, Judges Davila and Beeler of the United States District Court, Northern District of California, approved my hourly rate of \$750 in *Ramirez v. Walgreen*, N.D. Cal. Case No. 18-cv-03921-EJD (Dkt. No. 34), and in *Reilly v. Recreational Equipment, Inc.*, N.D. Cal. Case No. 3:18-cv-07385-LB (Dkt. No. 61), respectively, as well as the Santa Clara County Superior Court in *Hernandez v. Wells Fargo Bank*, Santa Clara Sup. Ct. Case No. 16CV299319. Moreover, in *Brown*, C.D. Cal. Case No. 2:15-cv-07631-PSG-PJW, *Pace*, Case No. SACV13-500 DOC, *Barrera* N.D. Cal. Case No.: C 12 5199 LHK (HRL), *Naranjo*, N.D. Cal. Case No. C 14-02748 LHK, *Ortegon-Ramirez*, Case No. 1-13-CV-254098, and *Vass*, Case No. 39-2013-294819-CU-OE-STK, the Courts in those cases found my fee request as reasonable, which was supported by a lodestar based on my hourly rate of \$650. Again, Judge Gutierrez in *Brown v. CVS* noted as follows when approving my hourly rate of \$650: "[t]he Court finds that, given the type of work performed and the experience of counsel in this case, **Plaintiff's attorneys performed in the upper quartile of similarly situated attorneys**, and so are entitled to fees in the top range of that suggested by the Real Rate Report." *Brown v. CVS Pharmacy, Inc.*, No. CV15-7631 PSG (PJWX), 2017 WL 3494297, at *8 (C.D. Cal. Apr. 24, 2017) (emphasis added). I have incurred a total of 93.5 hours to date. I anticipate spending an additional 20 hours through final approval and post-approval, including drafting the motion for final approval, conferring with class members, defense counsel and the administrator, as well as appearing on the hearing of the Motion for Approval. As such, the total of my firm's attorney's fees through the approval hearing is expected to be \$85,125.00 (113.5 hours x \$750).

13. A list of the cases in which Simpluris was appointed as the settlement administrator in cases involving my office are as follows:

- a. *Fontecchio v. Family Care Network*, San Luis Obispo County Superior Court Case No. 19CV-0240;
- b. *Moelk v. Escalante-Sonoma, LLC*, Sonoma County Superior Court Case No. SCV264036;
- c. *Sanchez v. Foothill Packing*, Monterey County Superior Court Case No. 17CV000289;
- d. *Soriano v. Flagship Facility Services, Inc.*, Santa Clara County Superior Court Case No. 17CV316438;
- e. *Vass v. Gardner Trucking*, San Joaquin County Superior Court Case No. 39-2014-3084900-CU-OE-STK;
- f. *Wishum v. BI, Inc.*, Merced County Superior Court Case No. 17CV-02848
- g. *Zepeda v. Ulta Cosmetics*, E.D. U.S.D.C. Cal. Case No. 1:17-cv-00853-DAD-EPG

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

Executed on September 27, 2021, at Los Angeles, California.

/s/ Dennis S. Hyun

Dennis S. Hyun