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Attorneys for Plaintiff, BANG TONY LE, individually, and on behalf of all employees similarly situated

ELECTRONICALLY FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CIVIL COMPLEX CENTER
Aug 11 2011
ALAN CARLSON, Clerk of the Court
by M. DEMARIA

SUPERIOR COURT OF CALIFORNIA

COUNTY OF ORANGE, CIVIL COMPLEX CENTER

BANG TONY LE, an individual; individually and on behalf of all others similarly situated,

Plaintiff,

v.

HYUNDAI MOTOR FINANCE COMPANY, an unknown business entity; HYUNDAI MOTOR AMERICA, a California corporation, and DOES 1 through 100, inclusive,

Defendants.

Case No. 30-2009-00275549

CLASS ACTION

Assigned for All Purposes to:
Hon. Kim G. Dunning
Dept.: CX-104

DECLARATION BANG TONY LE IN SUPPORT OF MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

DATE: September 7, 2011
TIME: 2:00 p.m.
DEPT.: CX-104

I, BANG TONY LE declare as follows:

1. I have personal knowledge of the facts set forth herein and if called upon to testify, I could and would do so competently under oath.

2. This class action against Hyundai Motor Finance Company ("Hyundai" or "defendants" was filed on **June 12, 2009** on behalf of myself and a class of current and former employees of Hyundai who worked in the credit, financing and marketing departments.

3. Based on my review of the settlement terms, conversations with my attorneys, and my understanding of Hyundai's operations as a current employee, I believe the settlement in the case is fair and adequate and in the best interest of the employees covered by the settlement. I believe the Notice process has been fair and that as many people as possible have been provided notice of the settlement and claims process.

4. I believe Hyundai failed to provide proper meal and rest periods to its hourly employees, failed to properly pay all wages due and improperly classified myself and other Credit Analysts as "exempt." I decided to file a case for these violations, and I agreed to be the named Plaintiff in the case in order to represent the other employees who were also affected by these practices.

5. I understand that I may be entitled to a payment for my role as a class representative and my work related to the case. I further understand that this additional payment is not guaranteed and is subject to Court approval. My opinion about the fairness and adequacy of the settlement in the case is not based on this potential payment.

6. For the reasons stated below, I believe I am entitled to an additional payment of $15,000 in this case. This amount is fair and justified because of my involvement in and assistance with this litigation, the broad form release of all my claims I am signing, the risks I took by agreeing to be a class representative, and the total settlement value of $340,000.

7. My claims are typical of the class because I am a current hourly (formerly "exempt") employee for Hyundai who was subjected to all the policies at issue in this case and am therefore similarly situated to all hourly employees who worked for Hyundai and were not provided lawful rest and meal periods, not paid all wages due and for some class members,

improperly classified as "exempt." The week after we filed this case, they reclassified us and a number of other positions as "non-exempt" so my participation had an immediate impact for my co-workers. We started getting breaks. Thus, my contributions helped my co-workers and my interests are aligned with all members of the proposed Class.

8. I am not aware of any interests I have that are adverse to the interests of the proposed class members, and I do not have any conflicts that would keep me from adequately representing the class. I have been and remain committed to prosecuting this case vigorously on behalf of the class and assisting with the claims process.

9. With respect to the work I performed on the case, I participated in numerous and lengthy phone conferences and meetings with class counsel relating to this matter. I had to help these lawyers understand the operations of Hyundai, the working conditions of the various positions - (i) Retail Credit Analysts or Senior Retail Credit Analysts, and (ii) Collections, Payment Processing (a.k.a. Title), or Marketing and Advertising Departments, and the policies and practices of Hyundai at issue in this case. I further analyzed and explained the non-exempt process of the Credit Analyst as well as communicated with my counsel when Human Resources held a meeting right after the filing of the Class Action. I assisted counsel in locating witnesses and information.

10. I assisted in the discovery process, helped with witness interviews, reviewed documents produced by Defendant, helped prepare written responses to formal discovery, and provided documents to support the Class claims.

11. I assisted my counsel when the Defendants and their counsel held secret meetings and attempted to settle claims with my co-workers to avoid the class action procedure. I assisted the workers and attorneys in gather facts about the case, the facts and the consequences of their decisions.

12. I was deposed for two separate occasions on **April 20, 2010** and **May 18, 2010** for almost **16 hours** at the offices of the Defendant's lawyers in Los Angeles and had to meet with my counsel to prepare for the deposition as well as read the two monstrous deposition transcripts.

13. I was also involved in the settlement process, including attending a full day of mediation with my counsel on **December 7, 2010**, consulting with class counsel on the circumstances and terms relevant to the settlement, and reviewing and signing settlement documents. I have expended my personal funds on costs, paying **$1,747.17** to assist with filing fees, mediation fees and court costs. I estimate I have spent over 150 hours of time assisting in this case over the twenty-five (25) months this case has gone on. I will continue to assist in any way I can.

14. For example, I have been the point of contact for all of the workers at Hyundai. The email me and call me constantly for updates on the case. After the Notice materials are mailed, I was contacted by numerous class members regarding the settlement. I responded to those inquires to the best of my ability and referred everyone to the claims administrator. I also stay in contact with my attorneys regarding the notice and settlement process during the entire Notice period to make sure the class members have all their questions about the case and the settlement answered. I anticipate that I will continue to be contacted by class members regarding the status of the settlement, including questions regarding the issuance of Settlement Awards.

15. Choosing to be the class representative generated significant risk for my job security and career. I am still employed by Hyundai, and filing a lawsuit against my current employer could lead to adverse employment decisions.

16. Also, if I ever needed to change jobs, having filed this case could affect my future employment opportunities. The notice in this case was sent to over **115** current and former employees of Hyundai. All of these current and former employees, as well as many people in management, will now know my name and the fact that I was a representative in a suit against Hyundai. These current and former employees may move to different companies within the industry and/or may know people at these other companies. They also may move into management positions or know people in those positions who have the ability to effect employment decisions. It is thus likely that people in other companies, including those in management positions, will know that I sued Hyundai on behalf of a class of employees. I

understand that the case documents are also a public record available and can be found by potential future employers. All of this could affect my future employment opportunities.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on **August 4, 2011** in Irvine, California.

BANG TONY LE

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 2030 Main Street, Suite 1300, Irvine, California 92614

On August 11, 2011, I served the foregoing documents described as **DECLARATION OF BANG TONY LE IN SUPPORT OF MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT** on all interested parties in this action as follows:

Adam Levin
Emma Luevano
MITCHELL SILBERBERG & KNUPP LLP
11377 West Olympic Boulevard
Los Angeles, California 90064-1683
Telephone: (310) 312-2000
Facsimile: (310) 312-3100

[X] **(BY MAIL)** I caused such envelope(s) fully prepaid to be placed in the United States Mail at Irvine, California. I am "readily familiar" with the firm's practice of collection and processing correspondence or mailing. Under that practice it would be deposited with the United States postal service on that same day with postage thereon fully prepaid at Irvine, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[ ] **(BY OVERNIGHT DELIVERY)** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 5. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier

[ ] **(BY FACSIMILE)** I caused said document(s) to be telephonically transmitted to each addressee's telecopier (fax) number as noted.

[ ] **(BY HAND DELIVERY/PERSONAL SERVICE)** I caused said document(s) to be personally delivered by a courier/attorney service to each addressee on the Service List.

[ ] **(BY CERTIFIED MAIL-RETURN/RECEIPT)** I caused said document(s) to be mailed by Certified Mail-Return/Receipt to the offices of the addressee listed on the Service List.

[ ] **(FEDERAL)** I declare that I am employed in the office of a member of the Bar of this court at whose direction the service was made.

[X] **(STATE)** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **August 11, 2011** at Irvine, California.

Andrea Drocco