

1 Alexander M. Medina (Cal. Bar No. 222015)  
 2 Brandon R. McKelvey (Cal. Bar No. 217002)  
 3 Timothy B. Nelson (Cal. Bar No. 235279)  
 4 MEDINA MCKELVEY LLP  
 5 983 Reserve Drive  
 6 Roseville, California 95678  
 Telephone: (916) 960-2211  
 Facsimile: (916) 742-5488  
 Email: alex@medinamckelvey.com  
 brandon@medinamckelvey.com  
 tim@medinamckelvey.com

7 Alfredo A. Bismonte (Cal. Bar No. 136154)  
 8 Ronald C. Finley (Cal. Bar No. 200549)  
 9 Joseph A. Greco (Cal. Bar. No. 104476)  
 10 BECK, BISMONTE & FINLEY, LLP  
 11 150 Almaden Boulevard, 10<sup>th</sup> Floor  
 12 San Jose, California 95113  
 Telephone: (408) 938-7900  
 Facsimile: (408) 938-0790  
 Email: abismonte@beckllp.com  
 rfinley@beckllp.com  
 jgreco@beckllp.com

13 Attorneys for Plaintiffs  
 14 MARGARET TUMAMPOS,  
 15 JONATHAN LAM, and CONNIE LAI on  
 their behalf and others similarly situated

16 IN THE UNITED STATES DISTRICT COURT FOR THE  
 17 NORTHERN DISTRICT OF CALIFORNIA

18 MARGARET TUMAMPOS, JONATHAN  
 19 LAM, AND CONNIE LAI ON THEIR  
 20 BEHALF AND OTHERS SIMILARLY  
 SITUATED,

21 Plaintiffs,

22 v.

23 CATHAY PACIFIC AIRWAYS LTD.,

24 Defendant.

**CASE NO. 4:16-CV-06208-CW**

*Assigned for All Purposes:  
 Honorable Claudia A. Wilken*

**DECLARATION OF PLAINTIFF AND  
 CLASS REPRESENTATIVE MARGARET  
 TUMAMPOS IN SUPPORT OF MOTION  
 FOR AN AWARD OF ATTORNEYS’  
 FEES, EXPENSES, AND SERVICE  
 AWARDS FOR REPRESENTATIVE  
 PLAINTIFFS**

Date: September 18, 2018  
 Courtroom: TBD  
 Time: 2:30 pm

Action Filed: October 26, 2016  
 Amended Complaint Filed: January 27, 2017  
 Trial: Not Yet Set

**DECLARATION OF MARGARET TUMAMPOS**

I, MARGARET TUMAMPOS, declare as follows:

1. I am an individual over the age of 18, and the first named plaintiff in this matter.

This declaration is submitted in support of the class representative service awards. I have personal knowledge of the facts stated in this declaration and if called upon to testify I could and would testify competently thereto.

2. I have spent nearly my entire adult life, over thirty years, as a flight attendant for Defendant Cathay Pacific Airways, Ltd. (“Cathay”). Initially I was recruited in my native country, the Philippines, by Cathay as a flight attendant based in Hong Kong. As I moved to the United States, I undertook early retirement as a Cathay flight attendant. As soon as Cathay started recruiting US-based flight attendants, I subsequently rejoined Cathay and have been employed full time and continuously by Cathay as a California-based flight attendant from 2006 to the present.

3. When I was recruited by Cathay in 2006, I was informed by Cathay that as a California-based flight attendant, I was entitled to Federal Social Security (FICA) benefits and California State Disability (SDI) benefits. From 2006 until September 2016 Cathay withheld FICA and SDI payments from my wages. But in September 2016, Cathay circulated notices to me and other California-based flight attendants that in fact Cathay’s past withholdings of wages for FICA and SDI were in error and such associated benefits would not be available.

4. Like many other California-based flight attendants I was bewildered by this loss of benefits and upset that my future was at risk. I had preliminary discussions with counsel for Plaintiffs to be a possible class representative but was reluctant to sue Cathay. I was not comfortable in filing a lawsuit against my employer. I was particularly uncomfortable as I was to be the sole named plaintiff. But when I was told that no other California-based flight attendant was willing to become a named Plaintiff, I felt an obligation to my other flight attendants who had suddenly lost these employment benefits.

5. In order to prepare the case and as part of my obligations as a class representative, I obtained all relevant employment-related documents I could find and culled my emails and



1 requested information from other employees. I then organized these documents and delivered  
2 them to Plaintiffs' counsel. These documents consisted of more than 400 pages of documents  
3 including employment handbooks such as those I was provided by Cathay during my initial  
4 training in 2007, communications regarding FICA and SDI benefits, pay stubs and associated bi-  
5 weekly flight statements provided me in paper form by Cathay, and multiple emails, including  
6 emails I was able to obtain from others concerning Cathay communications referencing savings  
7 Cathay would obtain due to the employees' loss of benefits. I estimate that I devoted more than  
8 45 hours obtaining, reviewing, and organizing these documents to present to legal counsel.

9         6. Prior to the filing of the initial complaint on October 26, 2016, I had multiple  
10 lengthy telephone conversations with counsel for Plaintiffs. This included traveling from my  
11 residence in Union City, California to San Jose for a face-to-face meeting so that we could  
12 discuss the background facts, possible claims, and my duties and obligations as a class  
13 representative. I carefully reviewed the documents provided to me prior to agreeing to be a class  
14 representative. I obtained additional information sought by counsel. I carefully reviewed the  
15 complex initial 35-page complaint (plus 22 pages of attachments). As I was unfamiliar with the  
16 American legal system, it took me many hours, and multiple discussions to understand the claims.  
17 While it was tedious and difficult, I felt that I had an obligation to understand the claims we were  
18 making in Court. These pre-filing meetings and associated tasks took me approximately 25  
19 hours.

20         7. At the time that I was working to assist plaintiffs' counsel in preparing the initial  
21 complaint in October 2016, I knew that Cathay required its California-based flight attendants to  
22 be fluent in an Asian language as well as English. Accordingly, many of my fellow flight  
23 attendants are relatively recent immigrants and culturally uncomfortable with suing an employer  
24 including incurring the risk of retaliation. Moreover, I know that many of them, like myself,  
25 immigrated to the United States as adults and would be challenged to be able to contribute the  
26 requisite years to Social Security to receive retirement benefits if, for example, they chose to find  
27 other employment and would have to "start over" in terms of contributions to FICA. So I was  
28 motivated to help them receive some compensation for this sudden loss of benefits. I also

1 understood from plaintiffs' counsel that given possible statute of limitations issues, it was  
2 important to initiate the lawsuit as soon as practicable.

3 8. Additionally, I recognized that if we lost the case, there was a real possibility that I  
4 could be financially liable for Cathay's costs. Given my modest wages and the fact that I became  
5 a widow due to my husband's sudden death due to a vehicular accident some six years ago, I do  
6 not know how I could have possibly paid such costs. But I felt that someone needed to step  
7 forward and take the risk to compensate the flight attendants. I also knew that I could be  
8 ostracized if the case was not successful and I would be easily identified since I would be the  
9 primary named plaintiff. Nevertheless, I willingly accepted that burden and risk.

10 9. As part of the case, I also personally visited the Social Security Office near my  
11 home, shared with that office the documents provided by Cathay and inquired whether Social  
12 Security really believed that my already-accrued benefits would be withdrawn. The Social  
13 Security employee I talked to was shocked by the position taken by Cathay, looked up my records  
14 and went over with me my history of FICA contributions. I then reported the result to counsel for  
15 Plaintiffs. These particular tasks required travel and extensive waiting time at the Social Security  
16 Office and took approximately 8 hours of effort by me.

17 10. Throughout this case, I have been actively involved and although it was difficult, I  
18 reviewed and tried to understand the first motion to dismiss filed by Cathay directed against the  
19 initial complaint, as well as the second motion to dismiss directed against the amended complaint.  
20 I also discussed the case with Connie Lai and Jonathan Lam, the additional class representatives,  
21 and also followed the result of the court rulings on the Cathay motion to dismiss. And I discussed  
22 matters with counsel regarding the litigation. I would estimate that I have spent approximately 20  
23 hours on these activities.

24 11. I participated in reviewing and commenting on the draft mediation brief including  
25 explaining my payment history and salary statements, which I understand formed a significant  
26 basis to calculate penalties. I then participated in pre-mediation strategy sessions and efforts.  
27 The actual mediation I participated in lasted 12 hours on August 9, 2017, and given the  
28 preparation and travel time, I spent a total of approximately 20 hours just to help reach an

1 agreement during the mediation session with Judge Duryee. I devoted a further six hours to  
2 review, discuss, and understand the detailed formal settlement agreement that required my  
3 signature for submission to the Court for preliminary approval. I then devoted an additional two  
4 hours to understand the Court-mandated addendum to the settlement agreement submitted in  
5 January 2018.

6 12. Additionally, on August 4, 2017, I operated a flight wherein a passenger passed  
7 away, and I had to participate in helping with the body. I was quite upset after that event and  
8 Cathay subsequently put me on indefinite medical leave, which precluded me from operating  
9 flights and resulted in a substantial cut in my income. I do not have evidence that Cathay was  
10 retaliating against me due to the lawsuit, indeed I would expect that Cathay would deny there  
11 was any retaliation, but the added worry and stress of possible retaliation did cause me further  
12 discomfort until I was reinstated to fly a few weeks afterwards.

13 13. When I operate a flight, we California-based flight attendants originate in  
14 California and fly to Hong Kong where we spend approximately three days prior to flying back.  
15 This means there is a substantial amount of time in the plane and in Hong Kong where I have  
16 been approached by other flight attendants to explain the litigation and the settlement and so I  
17 have had many discussions as part of my role as a class representative. I estimate that I have  
18 devoted some 40 hours in providing information to inquiring class members.

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1 14. I understand that my attorneys will request that the Court award me a service fee in  
2 the amount of \$10,000. I understand that this amount is meant to compensate and reward me for  
3 my service as a class representative, and for my efforts on behalf of the class. As set forth above  
4 by my calculation I have devoted a total of approximately 166 hours in support of the class and  
5 this litigation. In addition to just the expenditure of time, I have had the burden, stress, and  
6 responsibility, which often caused me discomfort and loss of sleep. The proposed service fee is  
7 not contingent on upon me supporting the class action settlement regardless of its fairness.

8 I declare under penalty of perjury under the laws of the United States of America and the  
9 State of California that the foregoing is true and correct. Executed this 5th day of June 2018 at  
10 Union City, California.

11  
12 /s/ Margaret Tumamos  
Margaret Tumamos

13  
14 **Attestation**

15 As the attorney e-filing this document, pursuant to Civil Local Rule 5-1(i)(3), I hereby  
16 attest that Margaret Tumamos has concurred in this filing.

17 DATED: June 18, 2018

MEDINA McKELVEY LLP

19 By: /s/ Alexander M. Medina  
Alexander M. Medina  
Attorneys for Plaintiffs on their behalf  
and others similarly situated

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