

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

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

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

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

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

Plaintiffs,

v.

CATHAY PACIFIC AIRWAYS LTD.,

Defendant.

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

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

**DECLARATION OF PLAINTIFF AND
CLASS REPRESENTATIVE
JONATHAN LAM 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 JONATHAN LAM

I, JONATHAN OI KWAN LAM, aka JONATHAN LAM, declare as follows:

1. I am an individual over the age of 18, and one of the named plaintiffs 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. From January 2008 through May 2014 I was employed full time and continuously as a California-based flight attendant for Cathay Pacific Airways, Ltd. (“Cathay”). As such, I was based out of San Francisco International Airport until I resigned from Cathay employment in May 2014.

3. When I was recruited by Cathay in 2008, 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 2008 until May 2014 Cathay withheld FICA and SDI payments from my wages. But in September 2016, Cathay circulated notices to me explaining that contributions during my employment to Cathay due to FICA were in error and the associated Social Security contributions may not be applicable to my Social Security account.

4. Like many other California-based flight attendants I was bewildered by this loss of benefits and upset that the benefits of my past contributions were at risk. I had a discussion with counsel for Plaintiffs to be a possible class representative. Based on those discussions, I understood that I served an important purpose as the only class representative of former California-based Cathay flight attendants.

5. In order to prepare the case and as part of my obligations as a class representative, I searched for and provided to Plaintiffs’ counsel all relevant employment-related documents I could find. I then organized these documents and delivered them to Plaintiffs’ counsel. These documents consisted of some 20 pages of documents including employment communications with Cathay regarding FICA and SDI benefits. I estimate that I devoted more than 2 hours obtaining, reviewing, and organizing these documents to present to legal counsel.

///

1 6. Prior to the filing of the amended complaint on January 27, 2017, I had several
2 lengthy telephone conversations with counsel for Plaintiffs. I also traveled from my residence in
3 the Sacramento, California area to meet face-to-face with counsel for Plaintiffs based in San Jose.
4 This included discussing the background facts, possible claims, and my duties and obligations as
5 a class representative. I also traveled to the office of Plaintiffs' other counsel in the Roseville,
6 California area for another face-to-face meeting. I carefully reviewed the documents provided to
7 me prior to agreeing to be a class representative. Since I own and run my own bakery business,
8 travel to and participation in these meetings required me to sacrifice time I could have otherwise
9 devoted by my business. I carefully reviewed the complex 61-page complaint (including
10 exhibits). As I was unfamiliar with the American legal system, it took me many hours, and
11 multiple discussions to understand the claims. While it was tedious and difficult, I felt that I had
12 an obligation to understand the claims we were making in Court. These pre-filing meetings and
13 associated tasks took me approximately 19 hours.

14 7. At the time that I was working to assist Plaintiffs' counsel in preparing the
15 amended complaint in January 2017, I knew that Cathay required its California-based flight
16 attendants to be fluent in an Asian language as well as English. Accordingly, many of my fellow
17 flight attendants are relatively recent immigrants and culturally uncomfortable with suing a
18 former employer. Moreover, I know that many of them, like myself, immigrated to the United
19 States as adults and would be hampered to contribute the requisite years to Social Security to
20 receive retirement benefits. So I was motivated to help them receive some compensation for this
21 sudden loss of benefits. I understood that the State of California had significant penalties that
22 could be levied against Cathay for failure to promptly pay all wages due and payable at the time
23 of employment termination. As a former California-based Cathay flight attendant I understood
24 that I could play a role to support those possible penalties.

25 8. Additionally, I recognized that if we lost the case, there was a real possibility that I
26 could be financially liable for Cathay's costs. Given my bakery business, payment of such costs
27 would have been a significant burden. I was also concerned that if we lost the case, the friends I

28 ///

1 had made during my time in Cathay would have been held it against me. Nevertheless, I felt that
2 I needed to step forward and take the risk to compensate the flight attendants.

3 9. Throughout this case, I have been actively involved and although it was difficult, I
4 reviewed and tried to understand the motion to dismiss filed by Cathay directed against the
5 amended complaint. I also discussed the case with Margaret Tumampos and Connie Lai, the
6 additional class representatives, and also followed the result of the court rulings on the Cathay
7 motion to dismiss. And I discussed matters with Plaintiffs' counsel regarding the litigation. I
8 would estimate that I have spent approximately 10 hours on these activities.

9 10. I participated in reviewing and commenting on the draft mediation brief. I then
10 participated in pre-mediation strategy sessions and efforts. In order to attend the mediation in San
11 Francisco, I drove from my home in the Sacramento area. In order to reduce expenses incurred
12 on behalf of the class of flight attendants, I did not spend the night before the mediation at a hotel
13 near San Francisco although I was told by Plaintiffs' counsel that I could have.

14 11. The actual mediation I participated in lasted 12 hours on August 9, 2017, and
15 given the preparation and travel time, I spent a total of 22 hours just to help reach an agreement
16 during the mediation session with Judge Duryee. I devoted a further approximately six hours to
17 review, discuss, and understand the detailed formal settlement agreement that required my
18 signature for submission to the Court for preliminary approval. I then devoted an additional
19 approximately two hours to understand the Court-mandated addendum to the settlement
20 agreement submitted in January 2018.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 12. 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 61 hours in support of the class and this
5 litigation. In addition to just the expenditure of time, I have had the burden, stress, and
6 responsibility, which often caused me discomfort and occasional loss of sleep. The proposed
7 service fee is not contingent upon me supporting the class action settlement regardless of its
8 fairness.

9 I declare under penalty of perjury under the laws of the United States of America and the
10 State of California that the foregoing is true and correct. Executed this 6th day of June 2018 at
11 Elk Grove, California

12
13 /s/ Jonathan Lam
Jonathan Lam

14
15 **Attestation**

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

18 DATED: June 18, 2018

MEDINA McKELVEY LLP

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

