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Attorneys for Plaintiff, the Class, and Aggrieved Employees
(Additional Counsel on Following Page)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SOLANO

DIEN TRUONG, as an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

DS SERVICES OF AMERICA, INC., a
Delaware corporation; and DOES 1
through 50, inclusive,

Defendants.

Case No.: FCS054399

[Assigned to the Hon. E. Bradley Nelson, Dept. 4]

**DECLARATION OF LARRY W. LEE IN
SUPPORT OF PLAINTIFF'S MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: July 29, 2021

Time: 9:00 a.m.

Dept.: 4

ADDITIONAL ATTORNEYS

William L. Marder (State Bar No. 170131)

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Attorneys for Plaintiff, the Class, and Aggrieved Employees

1 I, Larry W. Lee, hereby declare and state as follows:

2 1. I am an attorney at law duly admitted to practice before all courts in the State of
3 California and am a member of the law firm of the Diversity Law Group, P.C., one of the
4 attorneys of record for Plaintiff Dien Truong ("Plaintiff"), in the above entitled action.

5 2. The Settlement Agreement was the product of negotiation between highly able
6 and experienced attorneys on both sides who possessed the relevant data and extensive legal
7 research which they had carefully analyzed. Class Counsel engaged in extensive discovery and
8 factual investigation before settling, including reviewing class data produced by Defendant. This
9 allowed Plaintiff to conduct a full damage analysis.

10 3. I support the settlement as fair, reasonable, and adequate, and in the best interest
11 of the Class Members as a whole.

12 4. My qualifications are as follows: I received my JD from Arizona State University
13 College of Law in 2003. During law school, I was a summer associate at the law firm of
14 Brobeck, Phleger & Harrison. I graduated cum laude from Arizona State University College of
15 Law in the top 10% of my class. While I was in law school, I was the Associate Managing Editor
16 of the Arizona State University College of Law, Law Journal. For more than one and one-half
17 years after graduating from law school, I practiced law as an associate at the Los Angeles County
18 offices of Ogletree Deakins Nash Smoak & Stewart, P.C., a national employment defense law
19 firm, representing Fortune 500 companies in employment matters, including wage and hour class
20 actions.

21 5. My primary practice is employment law. I have handled a number of wage and
22 hour matters including class actions and individual actions, on both plaintiff and defense sides. I
23 have a practice that encompasses cases throughout the State of California, including but not
24 limited to the Los Angeles Superior Courts, the Orange County Superior Courts, the San
25 Francisco County Superior Courts, the San Diego County Superior Courts, and the United States
26 District Courts for the Central, Eastern, Northern, and Southern Districts of California. I have
27 been named as Class Counsel in a number of class actions that have been granted final approval
28 by the Superior Courts of Los Angeles County, Orange County, San Francisco County, Alameda

County, Contra Costa County, Monterey County, San Bernardino County, Santa Clara County, Sonoma County, and the United States District Court for the Central, Eastern, and Northern Districts of California, including but not limited to the following class actions: Chan Lanier v. Citigroup, Inc. et al., San Francisco Superior Court Case No. CGC-05-445143; Naqvi v. Acoustic Home Loans et al., Orange County Superior Court Case No. 05CC00263; Ortega v. AIG, Central District of California Case No. CV 06-0196-RSWL (PJWx); Universal Protection Overtime Cases, Orange County Superior Court Case No. JCCP 4480; Tse v. Best Buy, Los Angeles Superior Court Case No. BC392717; and Hernandez v. CVS Corporation, Los Angeles Superior Court Case No. JCCP 4539.

6. I have been approved as class counsel in numerous other wage/hour class actions that have been granted class certification and final approval.

7. To date, I have incurred approximately 71.2 hours in connection with the litigation of this lawsuit. Attached hereto as Exhibit A is a chart summarizing the amount of work I have incurred to date on this matter.

8. In addition to the hours above, I also anticipate spending an additional 10 hours through the completion of this case including conferring and reviewing e-mails and other written communications with counsel for Defendants, the Settlement Administrator, and Class Members regarding any post-final approval matters, including payments and related issues.

9. Thus, I anticipate the total amount of my fees incurred in this case to be approximately \$60,900.00 based on an hourly rate of \$750.00 per hour. Since at least 2018, I have been approved at an hourly rate of \$700.00 per hour by various Courts, in a number of matters, including Stafford v. Brinks et al., Los Angeles County Superior Court Case No. BC532260; Chavez v. Kenneth Cole Productions, Inc., Santa Clara Superior Court Case No. 17CV306407; Chavez v. Adidas, U.S. District Court for the Northern District of California Case No. 5:16-cv-06533-LHK; Mankin v. Taste Catering, San Mateo Superior Court Case No. 17-CIV-03497; Ricardo Macias v. SASCO, Santa Clara County Superior Court Case No. 16CV304263; Valles v. Community Hospital of the Monterey Peninsula, Monterey Superior Court Case No. 17CV003452; Diaz v. WeDriveU, Santa Clara Superior Court Case No.

1 17CV306547; Sanchez v. American Para Professional Systems, Inc., Santa Clara County
2 Superior Court Case No. 17CV306751; Hernandez v Pei Wei, United States District Court,
3 Central District of California Case No. 8:17-cv-00679-JLS-JCG; Song v. THC-Orange County,
4 Inc., U.S. District Court for the Central District of California Case No. 8:17-cv00965-JLS-
5 DFMx; Perez v. Standard Drywall, Inc., Alameda County Superior Court Case No.
6 RG15761142; Huertas v. Chevron Stations, Santa Clara Superior Court Case No. 17CV309996;
7 and In re DirecTv Wage and Hour Cases, JCCP Case No. 4850. As of 2020, I increased my
8 hourly rate to \$750.00 per hour. I have been approved at \$750.00 per hour by the Santa Clara
9 County Superior Court in Hernandez v. Wells Fargo Bank, Case No. 16CV299319 and Carrillo
10 v. New Balance Athletics, Inc., Case No. 19CV352469; the United States District Court,
11 Northern District of California in Ramirez v. Walgreen Co., Case No. 18-cv-03921-EJD and in
12 Chavez v. Converse, Inc., Case No. 15-cv-03746-NC; and the Alameda Superior Court in Foster
13 v. Schindler Elevator Corporation, Case No. RG19029640.

14 10. My firm has incurred costs in the amount of \$15,012.65. The costs are all
15 litigation related costs, including filing fees, mediation fees, postage, messenger charges, copy
16 costs, and service fees. Attached hereto as Exhibit B is copy of the costs my firm has incurred in
17 connection with prosecution of this lawsuit.

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

20 Executed on July 8, 2021, at Los Angeles, California.

21 
22 _____
23 Larry W. Lee
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EXHIBIT A

Truong v. DS Services of America, Inc.
Time and Task Chart for Larry W. Lee

Hours	Description of Work
4.2	Review and research background facts and legal theories of potential claims; confer with co counsel re same.
3.6	Review and revise complaints and PAGA letter
6.6	Research related cases and its impact on current case; review documents and settlement paperwork re same; meet and confer with opposing counsel re same
11.7	Review and revise motion to intervene re Corona case; review and revise supporting documents; review opposition to same; review and revise reply brief to same; attend oral arguments re same
8.6	Review and revise written discovery to Defendant; review defendant's responses to same; meet and confer re objections to same; review documents produced by Defendant.
3.2	Research appellate issues re motion to intervene
5.8	Review class member class data for mediation purposes; revise and revise damage analysis.
3.3	Review and revise mediation brief.
8.5	Attend mediation.
3.6	Review and revise settlement documents; confer with counsel re same.
5.4	Review and revise motion for preliminary approval and supporting documents; review tentative ruling re same
4.1	Confer with class members re settlement issues; review administrator reports re class member responses.
2.6	Review and revise motion for final approval and supporting documents
71.2	TOTAL HOURS

EXHIBIT B

Selection Criteria

Slip Classification Open
Client (hand select) Include: Truong, Dien v. DS Services
Slip.Transaction Ty 2 - 2

Rate Info - identifies rate source and level

Slip ID Dates and Time Posting Status Description		Timekeeper Activity Client Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
61282 1/22/2020 WIP LWDA	EXP	Olympia Court fees Truong, Dien v. DS Services	1	75.00	75.00
61543 1/31/2020 WIP Postage	EXP	Olympia Postage Truong, Dien v. DS Services	1	7.30	7.30
61742 2/20/2020 WIP Attorney Service - Complaint Filing	EXP	Olympia Atty Service Truong, Dien v. DS Services	1	1718.62	1718.62
61743 2/21/2020 WIP Attorney Service - Copmlaint Service	EXP	Olympia Atty Service Truong, Dien v. DS Services	1	73.24	73.24
61641 2/26/2020 WIP OneLegal - POS of Summons	EXP	Olympia Court fees Truong, Dien v. DS Services	1	90.00	90.00
61683 3/10/2020 WIP LASC - Chad Hunter Complaint	EXP	Olympia Online researc Truong, Dien v. DS Services	1	13.80	13.80
61684 3/10/2020 WIP LASC - Hunter Complaint	EXP	Olympia Online researc Truong, Dien v. DS Services	1	9.00	9.00
62607 3/26/2020 WIP Attorney Service	EXP	Olympia Atty Service Truong, Dien v. DS Services	1	134.37	134.37

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Slip Listing

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Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
62048	EXP	Olympia	1	1.60	1.60
3/31/2020		Postage			
WIP		Truong, Dien v. DS Services			
Postage					
62047	EXP	Olympia	17	0.25	4.25
3/31/2020		Photocopies			
WIP		Truong, Dien v. DS Services			
Photocopies					
63101	EXP	Olympia	1	114.76	114.76
6/1/2020		Atty Service			
WIP		Truong, Dien v. DS Services			
Attorney Service - CMS					
63329	EXP	Olympia	25	0.25	6.25
6/30/2020		Photocopies			
WIP		Truong, Dien v. DS Services			
Photocopies					
63330	EXP	Olympia	1	1.60	1.60
6/30/2020		Postage			
WIP		Truong, Dien v. DS Services			
Postage					
64151	EXP	Olympia	1	61.65	61.65
9/23/2020		Court fees			
WIP		Truong, Dien v. DS Services			
LASC Reservation - Motion to Intervene					
64260	EXP	Olympia	1	15.80	15.80
10/1/2020		Court fees			
WIP		Truong, Dien v. DS Services			
Online Document					
64300	EXP	Olympia	1	10500.00	10500.00
10/2/2020		Arbitrators			
WIP		Truong, Dien v. DS Services			
Michael E. Dickstein					
64753	EXP	Olympia	1	183.00	183.00
10/15/2020		Atty Service			
WIP		Truong, Dien v. DS Services			
Attorney Service - Mtn to Intervene					
64435	EXP	Olympia	1	470.51	470.51
10/15/2020		Court fees			
WIP		Truong, Dien v. DS Services			
OneLegal - Motion for Leave to Intervene					

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Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
64428	EXP	Olympia	1	15.95	15.95
10/15/2020		Court fees			
WIP		Truong, Dien v. DS Services			
OneLegal - Complaint in Intervention					
64898	EXP	Olympia	1	15.76	15.76
10/31/2020		Postage			
WIP		Truong, Dien v. DS Services			
Postage					
64977	EXP	Olympia	298	0.25	74.50
10/31/2020		Photocopies			
WIP		Truong, Dien v. DS Services			
Photocopies					
64669	EXP	Olympia	1	19.15	19.15
11/3/2020		Court fees			
WIP		Truong, Dien v. DS Services			
OneLegal - Reply					
65577	EXP	Olympia	1	32.70	32.70
11/4/2020		Delivery serv			
WIP		Truong, Dien v. DS Services			
Federal Express					
65575	EXP	Olympia	1	30.15	30.15
11/4/2020		Delivery serv			
WIP		Truong, Dien v. DS Services			
Federal Express					
64686	EXP	Larry W. Lee	1	15.00	15.00
11/10/2020		Court fees			
WIP		Truong, Dien v. DS Services			
LACourtConnect					
65081	EXP	Olympia	1	16.15	16.15
11/25/2020		Court fees			
WIP		Truong, Dien v. DS Services			
OneLegal - Notice of Appearance					
65452	EXP	Olympia	1	24.60	24.60
11/30/2020		Postage			
WIP		Truong, Dien v. DS Services			
Postage					
65451	EXP	Olympia	377	0.25	94.25
11/30/2020		Photocopies			
WIP		Truong, Dien v. DS Services			
Photocopies					

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Slip Listing

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Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
65090	EXP	Olympia	1	16.15	16.15
11/30/2020		Court fees			
WIP		Truong, Dien v. DS Services			
OneLegal - Objection					
65492	EXP	Olympia	1	18.15	18.15
12/28/2020		Court fees			
WIP		Truong, Dien v. DS Services			
OneLegal - Notice of Withdrawal					
65787	EXP	Olympia	8	0.25	2.00
12/31/2020		Photocopies			
WIP		Truong, Dien v. DS Services			
Photocopies					
65788	EXP	Olympia	1	1.00	1.00
12/31/2020		Postage			
WIP		Truong, Dien v. DS Services			
Postage					
66762	EXP	Olympia	1	342.80	342.80
3/3/2021		Atty Service			
WIP		Truong, Dien v. DS Services			
Attorney Service - Motion					
67139	EXP	Olympia	1	213.59	213.59
4/1/2021		Atty Service			
WIP		Truong, Dien v. DS Services			
Attorney Service - Minute Order Copy					
67579	EXP	Olympia	1	500.00	500.00
6/14/2021		Court fees			
WIP		Truong, Dien v. DS Services			
Filing Approval Filing Fees					
67580	EXP	Olympia	1	100.00	100.00
6/14/2021		Court fees			
WIP		Truong, Dien v. DS Services			
Courtcall					
Grand Total					
			Billable	0.00	15012.65
			Unbillable	0.00	0.00
			Total	0.00	15012.65