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Attorneys for Plaintiff and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA

FRANKLIN AMOG, as an individual and
on behalf of all others similarly situated,

Plaintiffs,

vs.

EL CAMINO HOSPITAL, a California
nonprofit public benefit corporation; and
DOES 1 through 50, inclusive,

Defendants.

Case No. 20CV363828

(Assigned to the Honorable Patricia M. Lucas,
Dept. 3)

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

Date: October 13, 2021

Time: 1:30 p.m.

Dept.: 3

1 I, Larry W. Lee, declare as follows:

2 1. I am an attorney at law, duly licensed to practice before all Courts in the State of
3 California, and am with the law firm Diversity Law Group, counsel of record for Plaintiff
4 Franklin Amog (“Plaintiff”). I have personal knowledge of the facts set forth below and if called
5 to testify I could and would do so competently.

6 2. The Settlement Agreement was the product of negotiation between highly able
7 and experienced attorneys on both sides who possessed the relevant data and extensive legal
8 research which they had carefully analyzed. Class Counsel engaged in extensive legal and factual
9 investigation before settling, including reviewing class data produced by Defendant relating to
10 the number of wage statements reflecting the payment of overtime wages issued to each putative
11 class member. This allowed Plaintiff to conduct a full damage analysis.

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

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

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

1 been named as Class Counsel in a number of class actions that have been granted final approval
2 by the Superior Courts of Los Angeles County, Orange County, San Francisco County, Alameda
3 County, Contra Costa County, Monterey County, San Bernardino County, Santa Clara County,
4 Sonoma County, and the United States District Court for the Central, Eastern, and Northern
5 Districts of California, including but not limited to the following class actions: *Chan Lanier v.*
6 *Citigroup, Inc. et al.*, San Francisco Superior Court Case No. CGC-05-445143; *Naqvi v. Acoustic*
7 *Home Loans et al.*, Orange County Superior Court Case No. 05CC00263; *Ortega v. AIG*, Central
8 District of California Case No. CV 06-0196-RSWL (PJWx); *Universal Protection Overtime*
9 *Cases*, Orange County Superior Court Case No. JCCP 4480; *Tse v. Best Buy*, Los Angeles
10 Superior Court Case No. BC392717; and *Hernandez v. CVS Corporation*, Los Angeles Superior
11 Court Case No. JCCP 4539.

12 6. To date, I have incurred approximately 46.80 hours in connection with the
13 litigation of this lawsuit. Attached hereto as **Exhibit A** is a chart summarizing the amount of
14 work I have incurred to date on this matter.

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

19 8. Thus, I anticipate the total amount of my fees incurred in this case to be
20 approximately \$42,600 based on an hourly rate of \$750.00 per hour. Since at least 2018, I have
21 been approved at an hourly rate of \$700.00 per hour by various Courts, in a number of matters,
22 including *Stafford v. Brinks et al.*, Los Angeles County Superior Court Case No. BC532260;
23 *Chavez v. Kenneth Cole Productions, Inc.*, Santa Clara Superior Court Case No. 17CV306407;
24 *Chavez v. Adidas*, U.S. District Court for the Northern District of California Case No. 5:16-cv-
25 06533-LHK; *Mankin v. Taste Catering*, San Mateo Superior Court Case No. 17-CIV-03497;
26 *Ricardo Macias v. SASCO*, Santa Clara County Superior Court Case No. 16CV304263; *Valles v.*
27 *Community Hospital of the Monterey Peninsula*, Monterey Superior Court Case No.
28 17CV003452; *Diaz v. WeDriveU*, Santa Clara Superior Court Case No. 17CV306547; *Sanchez v.*

1 *American Para Professional Systems, Inc.*, Santa Clara County Superior Court Case No.
2 17CV306751; *Hernandez v Pei Wei*, United States District Court, Central District of California
3 Case No. 8:17-cv-00679-JLS-JCG; *Song v. THC-Orange County, Inc.*, U.S. District Court for the
4 Central District of California Case No. 8:17-cv00965-JLS-DFMx; *Perez v. Standard Drywall,*
5 *Inc.*, Alameda County Superior Court Case No. RG15761142; *Huertas v. Chevron Stations,*
6 Santa Clara Superior Court Case No. 17CV309996; and *In re DirecTv Wage and Hour Cases,*
7 JCCP Case No. 4850. As of 2020, I increased my hourly rate to \$750.00 per hour. I have been
8 approved at \$750.00 per hour by the Santa Clara County Superior Court in *Hernandez v. Wells*
9 *Fargo Bank*, Santa Clara Superior Court Case No. 16CV299319.

10 9. My firm has incurred costs in the amount of \$11,155.35. The costs are all
11 litigation related costs, including filing fees, postage, and messenger charges, copy costs, and
12 service fees. Attached hereto as **Exhibit B** is copy of the costs my firm has incurred in
13 connection with prosecution of this lawsuit.

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

16 Executed on this 17th day of September 2021, at Los Angeles, California.

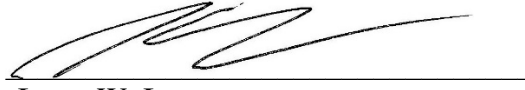
17
18 
19 Larry W. Lee

EXHIBIT A

**Amog v. El Camino Hospital
Larry W. Lee Time and Task Chart**

Hours	Description of Work
3.8	Review client documents; research potential theories of case
3.1	Review and revise complaint and PAGA letter
.8	Review initial court notices and guidelines re class actions
1.2	Confer with counsel re CMC and case issues; review and revise joint statements
12.7	Legal research re municipality exemption; research defendant's corporate background re same; confer with counsel re same
3.3	Review and revise written discovery requests
.7	Conferences with counsel re mediation data and scheduling
3.8	Review payroll data produced by Defendant; review and revise class damages re same
3.6	Review and revise mediation brief; legal research re same
1.6	Review and revise MOU; confer with counsel re same
3.7	Review and revise long form settlement documents; conferences with opposing counsel re same
2.6	Review and revise Motion for Preliminary Approval and supporting documents
1.2	Review court tentative re prelim approval motion; review and revise documents re same
2.4	Confer with class members re settlement issues
2.3	Review and revise Motion for Final Approval and supporting documents
46.8	TOTAL HOURS

EXHIBIT B

9/10/2021
11:01 AM

DIVERSITY LAW GROUP
Slip Listing

Page 1

Selection Criteria

Slip.Classification Open
Client (hand select) Include: Amog, Franklin v. El Camino
Slip.Transaction Ty 2 - 2

Rate Info - identifies rate source and level

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		
61370	EXP	Olympia	1	75.00	75.00
2/5/2020		Court fees			
WIP		Amog, Franklin v. El Camino			
LWDA					
61454	EXP	Olympia	1	1483.77	1483.77
2/10/2020		Court fees			
WIP		Amog, Franklin v. El Camino			
Odyssey - Complaint					
61749	EXP	Olympia	1	150.23	150.23
2/26/2020		Atty Service			
WIP		Amog, Franklin v. El Camino			
Attorney Service - Complaint Service					
61820	EXP	Olympia	1	7.40	7.40
2/28/2020		Postage			
WIP		Amog, Franklin v. El Camino			
Postage					
61676	EXP	Olympia	1	5.72	5.72
3/6/2020		Court fees			
WIP		Amog, Franklin v. El Camino			
Odyssey - POS of Summons					
62758	EXP	Olympia	1	5.72	5.72
6/5/2020		Court fees			
WIP		Amog, Franklin v. El Camino			
Odyssey - Joint CMS					
62762	EXP	Larry W. Lee	1	94.00	94.00
6/12/2020		Court fees			
WIP		Amog, Franklin v. El Camino			
Courtcall					
64436	EXP	Olympia	1	5.72	5.72
10/16/2020		Court fees			
WIP		Amog, Franklin v. El Camino			
Odyssey - Joint CMS					

9/10/2021
11:01 AM

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Slip Listing

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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
65557 EXP 1/8/2021 WIP Serratore Law Mediation	Olympia Arbitrators Amog, Franklin v. El Camino	1	9000.00	9000.00
66339 EXP 1/30/2021 WIP Meal	Kristen Agnew Meals Amog, Franklin v. El Camino	1	43.11	43.11
66249 EXP 2/22/2021 WIP Odyssey - Joint CMS	Olympia Court fees Amog, Franklin v. El Camino	1	5.72	5.72
67411 EXP 6/1/2021 WIP Odyssey - MPA	Erika Mejia Court fees Amog, Franklin v. El Camino	1	67.52	67.52
67643 EXP 6/23/2021 WIP Odyssey - Supp Decl of KA	Erika Mejia Court fees Amog, Franklin v. El Camino	1	5.72	5.72
67736 EXP 6/28/2021 WIP Odyssey - Further Supp Decl of KA	Erika Mejia Court fees Amog, Franklin v. El Camino	1	5.72	5.72
68750 EXP 9/10/2021 WIP MFA Filings Fees & Courtcall	Erika Mejia Court fees Amog, Franklin v. El Camino	1	200.00	200.00
Grand Total	Billable Unbillable Total	0.00 0.00 0.00		11155.35 0.00 11155.35