

**Electronically Filed
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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: June 23, 2021

Time: 1:30 p.m.

Dept.: 3

DECLARATION OF LARRY W. LEE

I, Larry W. Lee, declare as follows:

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

2. From the inception of the case, Class Counsel has zealously represented the interests of the Class. I have spent significant time researching and pursuing the claims that have been alleged in this action. I have no conflict with the Class.

3. Both Class Counsel and defense counsel have a great deal of experience in wage and hour class action litigation. Class Counsel has been approved as class counsel on a number of prior cases, have litigated numerous other class action cases, and are competent to represent the Class.

4. Based on my own independent investigation and evaluation, I am of the opinion that settlement for the consideration and on the terms set forth in the Joint Stipulation of Class and Representative Action Settlement is fair, reasonable, and adequate and is in the best interests of the Class, in light of all known facts and circumstances and the expenses and risks inherent in litigation.

5. I was retained based upon a contingency fee arrangement wherein Plaintiff’s counsel agreed to advance all costs and receive no fee unless a recovery was accomplished. Specifically, had Plaintiff failed to prevail on these cases, counsel for Plaintiff would have spent a significant amount of time, money and other resources without any benefit or return. For instance, my office has expended costs to file the instant action, effect service of process, pay mediation fees and other litigation related costs. In addition, had Plaintiff also failed to prevail in the present cases, Defendant would have been able to seek costs in connection with their defense of the case.

6. Any remaining monies from uncashed settlement checks will be distributed to El Camino Health Foundation – Hospital Employee Assistance Fund. Should the Court reject El

1 Camino Health Foundation – Hospital Employee Assistance Fund as the *cy pres* recipient. The
2 Parties agreed to select Legal Aid of Silicon Valley as an alternate *cy pres* recipient. I do not
3 have any relationship or connection with or to either El Camino Health Foundation – Hospital
4 Employee Assistance Fund or Legal Aid at Work.

5 7. I am one of the primary attorneys on this matter. My qualifications are as
6 follows: I received my J.D. from Arizona State University College of Law in 2003. During law
7 school, I was a summer associate at the law firm of Brobeck, Phleger & Harrison. I graduated
8 cum laude from Arizona State University College of Law in the top 10% of my class. While I
9 was in law school, I was the Associate Managing Editor of the Arizona State University College
10 of Law, Law Journal. Upon graduation, I practiced law as an associate at the Los Angeles
11 County offices of Ogletree Deakins Nash Smoak & Stewart, P.C., a national employment
12 defense law firm that represents a significant number of Fortune 500 companies.

13 8. My firm's primary focus is employment law. I have handled a number of wage
14 and hour matters including class actions and multiple-plaintiff actions. I have a practice that
15 encompasses cases in the Los Angeles Superior Court, the Orange County Superior Court, Santa
16 Clara Superior Court, Monterey Superior Court, Sonoma Superior Court, San Francisco County
17 Superior Court, the San Diego County Superior Court, and the United States District Courts for
18 the Central, Eastern, Southern, and Northern Districts of California.

19 9. I have been named as Class Counsel in a number of class actions that have been
20 granted final approval by the Superior Courts of Los Angeles County, Orange County, San
21 Francisco County, and other counties, and the United States District Court for the Central
22 District of California, including the following class actions: *Chan Lanier v. Citigroup, Inc. et al.*,
23 San Francisco Superior Court Case No. CGC-05-445143; *Naqvi v. Acoustic Home Loans et al.*,
24 Orange County Superior Court Case No. 05CC00263; *Ortega v. AIG*, Central District of
25 California Case No. CV 06-0196-RSWL (PJWx); *Universal Protection Overtime Cases*, Orange
26 County Superior Court, Judicial Council Coordination Proceeding No. 4480; *Hernandez v. CVS*
27 *Corp. et al.*, Judicial Council Coordination Proceeding No. 4539; *Padilla v. Safeway*, San Benito
28 County Superior Court Case No. CU-16-00182; *Valles v. Community Hospital of the Monterey*

1 *Peninsula*, Monterey County Superior Court Case No. 17CV003452; *DirecTv Wage and Hour*
2 *Cases*, Santa Clara Superior Court Judicial Council Coordination Proceeding No. 4850; *Perez v.*
3 *Standard Drywall, Inc.*, Alameda County Superior Court Case No. RG15761142; and *Davis v.*
4 *Nugget Market, Inc.*, Yolo County Superior Court Case No. CV-18-558.

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

7 Executed on this 1st day of June 2021, at Los Angeles, California.

8 
9 _____
Larry W. Lee