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Attorneys for Plaintiff Sam Kimm

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

ALLAN CASTANETO, an individual, and on
behalf of all aggrieved employees pursuant to
the Labor Code Private Attorneys General Act.

Plaintiff,

v.

CALOP BUSINESS SYSTEMS, INC., and
DOES 1 through 50, Inclusive,

Defendant.

CASE NO. **20STCV03772** (lead case and
consolidated with 20STCV21789,
20STCV22191)

*Assigned for All Purposes to the Hon.
Theresa M. Traber, Dept. 47*

UNLIMITED JURISDICTION

**DECLARATION OF DARREN LE
MONTREE IN SUPPORT OF MOTION
FOR AN ORDER APPROVING
SETTLEMENT OF CLAIMS
BROUGHT PURSUANT TO THE
PRIVATE ATTORNEYS GENERAL
ACT OF 2004, AWARDING
ATTORNEYS' FEES, COSTS,
ENHANCEMENT PAYMENTS, AND
REIMBURSEMENT OF
SETTLEMENT ADMINISTRATION
EXPENSES, AND DISMISSING
ACTION WITH PREJUDICE;
MEMORANDUM OF POINTS AND
AUTHORITIES**

Reservation ID:

Hearing

Date:

Time:

Dept.: 47

1 I, DARREN LE MONTREE, DECLARE AS FOLLOWS:

2 1. I am an attorney at law duly licensed to practice before this Court and all the Courts
3 in the State of California and am counsel of record for Plaintiff Sam Kim in this matter. I am
4 personally familiar with the contents of this declaration, and if called upon to do so, could and
5 would testify competently thereto under oath.

6 2. I began practicing law and was admitted to practice in California in 1998 and have
7 over 23 years of experience handling complex civil litigation and employment matters. From
8 1999 to 2007, I served as an associate attorney at Wilson Elser Moskowitz, Edleman & Dicker
9 and was elevated to partner in 2008. I have served as a partner at two national law firms, Wilson
10 Elser Moskowitz, Edleman & Dicker from 2008 to 2013 and London Fischer LLP from 2013
11 through May 2018.

12 3. I have handled significant PAGA representative claims including Rodriguez v.
13 Liberty Employment Services, Inc. (LASC Case No. 19STCV15398).

14 4. I have handled, in coordination with co-counsel Joel Glaser, this matter since
15 inception and have engaged in the strategy development, document review, preparation and
16 review of pleadings, correspondence, discovery and documents produced throughout the course
17 of this matter. This included addressing Defendants' repeated efforts to attack the pleadings and
18 theories of recovery via Demurrer and Motion for Sanctions.

19 5. The complaint of Plaintiff Sam Kimm was initiated on June 11, 2020 under LASC
20 Case No. 20STCV22191 ("Kimm Action").

21 6. The Kimm Action sought seeking PAGA penalties pursuant to California Labor
22 Code Sections 98.6, 201, 202, 204, 210, 221, 223, 225.5, 226, 226.3, 226.7, 227.3, 246, 510, 512,
23 558, 1102.5, 1174, 1175.5, 1194, 1194.2, 1197, 1197.1, 1198, 1199, 2751, 2802, and 2698 et seq.

24 7. Subsequently, my co-counsel and I learned about the related cases against Calop
25 brought by Plaintiffs Allen Castaneto ("Castaneto Action") and by Antuan Fernandez
26 ("Fernandez Action").

27 8. On June 24, 2021, the Kimm Action, Castaneto Action and the Fernandez Action were
28 deemed related with the Castaneto Action as the lead case.

9. On July 9, 2021, the three PAGA actions were consolidated by this Court.

1 10. Throughout the over two year period during which this matter was aggressively
2 litigated, Defendants vehemently sought to resist disclosure of documents relevant to the claims
3 in dispute on the grounds that they contained Sensitive Security Information (“SSI”). This
4 process involved pursuing formal and informal discovery requests, lengthy meet and confer
5 efforts and engagement with the TSA to have the relevant documents cleared for purposes of
6 SSI.

7 11. In addition to pursuing discovery, my efforts also included drafting and assisting in
8 the development of discovery motions, engagement with the TSA, preparing multiple motions
9 and arguing at several court hearings to secure and resolve disputes relating to the claim of SSI
10 restrictions, and addressing Defendants’ motions to request dismissal of the case for lack of
11 notice and for monetary sanctions in the amount of \$80,000. I also reviewed voluminous records
12 once they were ultimately produced and prepared for and attended the June 3, 2022 Mandatory
13 Settlement Conference that lead to the settlement of this action. I have expended in excess of
14 130 hours on the foregoing tasks.

15 12. My customary rate for hourly cases between 2020 and 2022 ranges from \$350/hr to
16 \$400/hr. My rate for contingency matters is \$500/hr to account for the additional risks and
17 delays. Applying this rate results in a Lodestar value of \$65,000 which is reasonable in light of
18 my 23 years of experience, the skill involved and the result.

19 13. In addition, my firm and co-counsel have jointly incurred to date the sum of
20 \$2,171.93 in out-of-pocket costs in handling this matter as follows:

21 Filing fees: \$1,348.73

22 Service of Process: \$167.00

23 Remote Appearances: \$30.00

24 Notices and other filings: \$236.2

25 Postage/Courier: \$140.00

26 Copying: \$250

27 Total: \$2,171.93

1 I declare under the penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct and that this declaration was executed in Los Angeles, California.
3

4 Dated: July 11, 2022

5 By:  _____
6 Darren Le Montree, Esq.
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