

Larry W. Lee (State Bar No. 228175)
Mai Tulyathan (State Bar No. 316704)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa St., Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile
lwlee@diversitylaw.com
ktulyathan@diversitylaw.com

**Electronically Filed
by Superior Court of CA,
County of Santa Clara,
on 11/12/2021 12:00 AM
Reviewed By: V. Castaneda
Case #20CV366465
Envelope: 7649071**

Attorneys for Plaintiff, the Class, and Aggrieved Employees

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

SYLVIA BERNABE, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

899 CHARLESTON, a California
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 20CV366465

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

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

Date: December 8, 2021
Time: 1:30 P.M.
Dept.: 3

Complaint Filed: May 8, 2020
FAC Filed: July 16, 2021

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

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 Named Plaintiff Sylvia Bernabe (“Plaintiff”). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. The proposed settlement meets the criteria for this Court to grant final approval of this matter on a class-wide basis, as the settlement is fair, adequate, and reasonable.

3. The Settlement Agreement was the product of arm's length negotiations between highly able and experienced attorneys on both sides who possessed the relevant data and extensive legal research which they had carefully analyzed. Plaintiff's Counsel engaged in extensive factual investigation before settling. The Parties also participated in a full-day of mediation with an experienced wage-and-hour mediator, Michael E. Dickstein, Esq. In connection with mediation, the Parties also conducted informal discovery before mediation, including reviewing the production of class data, payroll data, and information pertaining to Defendant's sick pay/paid time off, shift differential pay, and wage statement policies and practices. The exchange of informal discovery allowed Plaintiff's Counsel to analyze liability and exposure.

4. I have spent significant time researching and pursuing the claims that have been alleged in this action. Based on my independent investigations and evaluations, I am of the opinion that the proposed settlement is fair, reasonable, and adequate, and is in the best interests of the Class Members, in light of all known facts and circumstances, and the expenses and risks inherent in litigation. The settlement was negotiated at arm's length and was facilitated by an experienced and neutral mediator. Thus, this settlement should be granted final approval.

5. Any remaining monies from uncashed settlement checks will be distributed to Asian Americans Advancing Justice – Los Angeles. Plaintiff’s Counsel does not have any relationship with or connection to said organization.

6. My qualifications are as follows: I received my JD from Arizona State University

1 College of Law in 2003. During law school, I was a summer associate at the law firm of
2 Brobeck, Phleger & Harrison. I graduated cum laude from Arizona State University College of
3 Law in the top 10% of my class. While I was in law school, I was the Associate Managing Editor
4 of the Arizona State University College of Law, Law Journal. For more than one and one-half
5 years after graduating from law school, I practiced law as an associate at the Los Angeles County
6 offices of Ogletree Deakins Nash Smoak & Stewart, P.C., a national employment defense law
7 firm, representing Fortune 500 companies in employment matters, including wage and hour class
8 actions.

9 7. My primary practice is employment law. I have handled a number of wage and
10 hour matters including class actions and individual actions, on both plaintiff and defense sides. I
11 have a practice that encompasses cases throughout the State of California, including but not
12 limited to the Los Angeles Superior Courts, the Orange County Superior Courts, the San
13 Francisco County Superior Courts, the San Diego County Superior Courts, and the United States
14 District Courts for the Central, Eastern, Northern, and Southern Districts of California. I have
15 been named as Class Counsel in a number of class actions that have been granted final approval
16 by the Superior Courts of Los Angeles County, Orange County, San Francisco County, Alameda
17 County, Contra Costa County, Monterey County, San Bernardino County, Santa Clara County,
18 Sonoma County, and the United States District Court for the Central, Eastern, and Northern
19 Districts of California, including but not limited to the following class actions: *Chan Lanier v.*
20 *Citigroup, Inc. et al.*, San Francisco Superior Court Case No. CGC-05-445143; *Naqvi v. Acoustic*
21 *Home Loans et al.*, Orange County Superior Court Case No. 05CC00263; *Ortega v. AIG*, Central
22 District of California Case No. CV 06-0196-RSWL (PJWx); *Universal Protection Overtime*
23 *Cases*, Orange County Superior Court Case No. JCCP 4480; *Tse v. Best Buy*, Los Angeles
24 Superior Court Case No. BC392717; and *Hernandez v. CVS Corporation*, Los Angeles Superior
25 Court Case No. JCCP 4539.

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

28 9. To date, I have incurred approximately 49.1 hours in connection with the

1 litigation of this lawsuit. Attached hereto as **Exhibit A** is a chart summarizing the amount of
2 work I have incurred to date on this matter.

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

7 11. Thus, I anticipate the total amount of my fees incurred in this case to be
8 approximately \$44,325.00, based on an hourly rate of \$750.00 per hour. Since at least 2018, I
9 have been approved at an hourly rate of \$700.00 per hour by various Courts, in a number of
10 matters, including *Stafford v. Brinks et al.*, Los Angeles County Superior Court Case No.
11 BC532260; *Chavez v. Kenneth Cole Productions, Inc.*, Santa Clara Superior Court Case No.
12 17CV306407; *Chavez v. Adidas*, U.S. District Court for the Northern District of California Case
13 No. 5:16-cv-06533-LHK; *Mankin v. Taste Catering*, San Mateo Superior Court Case No. 17-
14 CIV-03497; *Ricardo Macias v. SASCO*, Santa Clara County Superior Court Case No.
15 16CV304263; *Valles v. Community Hospital of the Monterey Peninsula*, Monterey Superior
16 Court Case No. 17CV003452; *Diaz v. WeDriveU*, Santa Clara Superior Court Case No.
17 17CV306547; *Sanchez v. American Para Professional Systems, Inc.*, Santa Clara County
18 Superior Court Case No. 17CV306751; *Hernandez v Pei Wei*, United States District Court,
19 Central District of California Case No. 8:17-cv-00679-JLS-JCG; *Song v. THC-Orange County*,
20 *Inc.*, U.S. District Court for the Central District of California Case No. 8:17-cv00965-JLS-
21 DFMx; *Perez v. Standard Drywall, Inc.*, Alameda County Superior Court Case No.
22 RG15761142; *Huertas v. Chevron Stations*, Santa Clara Superior Court Case No. 17CV309996;
23 and *In re DirecTv Wage and Hour Cases*, JCCP Case No. 4850.

24 12. As of 2020, I increased my hourly rate to \$750.00 per hour. I have been approved
25 at \$750.00 per hour by various courts, including: *Hernandez v. Wells Fargo Bank*, Santa Clara
26 County Superior Court Case No. 16CV299319, *Carrillo v. New Balance Athletics, Inc.*, Santa
27 Clara County Superior Court Case No. 19CV352469; *Ramirez v. Walgreen Co.*, United States
28 District Court, Northern District of California Case No. 18-cv-03921-EJD, *Chavez v. Converse*,

1 *Inc.*, United States District Court, Northern District of California Case No. 15-cv-03746-NC;
2 *Foster v. Schindler Elevator Corporation*, Alameda County Superior Court Case No.
3 RG19029640; *Foaad Hanna v. Equinix, LLC*, Santa Clara County Superior Court Case No.
4 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles County Superior Court Case No.
5 BC720144; *Mary Della Maggiora v. Watsonville Community Hospital*, Santa Cruz County
6 Superior Court Case No. 18CV00191; *Pittman v. Martinez Steel Corporation*, San Bernardino
7 County Superior Court Case No. CIVDS1823132; *Michael Randolph v. Pacific Racing*
8 *Association*, Alameda County Superior Court Case No. RG18908139; *Markham v. Quik Stop*
9 *Markets, Inc.*, Santa Clara Superior Court Case No. 19CV341582; *Siron v. Raypak, Inc.*, Ventura
10 Superior Court Case No. 56-2019-005279959-CU-OE-VTA; *Carter v. Kline Services, Inc.*, San
11 Bernardino Superior Court Case No. CIVDS1828867, and *Prexxie Pascual and Arturo Fonseca*
12 *v. Satellite Healthcare, Inc.*, Santa Clara Superior Court Case No. 19CV345211.

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

15 Executed on this 11th day of November, 2021, at Los Angeles, California.

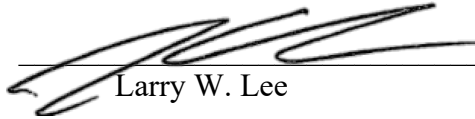
16
17 
18 _____
Larry W. Lee

EXHIBIT A

Bernabe v. 899 Charleston
Larry W. Lee Time and Task Chart

Hours	Description of Work
3.8	Review client documents and research Defendant's background and prior litigation history
3.6	Review and revise PAGA letter; review and revise complaints
1.6	Review and revise joint cmc statements; confer with counsel re same
2.4	Confer with initial defense counsel re mediation and mediation data
2.1	Confer with new defense counsel and mediator re changes to mediation and mediation issues
5.3	Review documents and data produced by Defendant; confer with expert witness re same
11.6	Review and revise mediation brief; attend mediation
5.8	Post mediation discussions with mediator and counsel re settlement terms
3.7	Review and revise settlement agreement; confer with counsel re same
2.8	Review and revise Motion for Preliminary Approval and supporting documents
3.3	Confer with class members re settlement issues
3.1	Review and revise Motion for Final Approval and supporting documents
49.1	TOTAL HOURS