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Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

ISHAN BASU-KESSELMAN and TAI
TRAN, on behalf of the State of California,
as private attorneys general,

Plaintiffs,

v.

GARUDA LABS, INC. d/b/a
INSTAWORK; ADVANTAGE
WORKFORCE SERVICES, LLC; and
DOES 1 through 50, inclusive,

Defendants.

Case No. CGC-20-586542

REPRESENTATIVE ACTION

**DECLARATION OF JONATHAN M. LEBE
IN SUPPORT OF MOTION FOR
APPROVAL OF PRIVATE ATTORNEYS
GENERAL ACT ("PAGA") SETTLEMENT**

Date: November 30, 2023

Time: 9:30 a.m.

Judge: Richard B. Ulmer, Jr.

Dept.: 302

Complaint filed: July 9, 2020

Trial date: Not set

1 **LEBE LAW, APLC**
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I, Jonathan M. Lebe, declare as follows:

1. I am an attorney duly licensed to practice law before all courts in the State of California. I am the Managing Attorney of Lebe Law, A Professional Law Corporation and I represent Marion Jones (“Plaintiff”) in this action. I have personal knowledge of the facts set forth herein and, if called and sworn in as a witness, could and would testify competently thereto.

2. I submit this supplemental declaration in support of Plaintiff's Unopposed Motion for Preliminary Approval of the Class Action Settlement.

Experience of Class Counsel

3. I received Bachelor of Arts degrees in Political Science and International Studies from Northwestern University in 2008. I received my Juris Doctorate from Santa Clara University School of Law in 2012. During law school, I was a legal extern to the Honorable Nandor J. Vadas of the U.S. District Court, Northern District of California. I also had legal internships during law school with the Civil Division of the U.S. Attorney's Office and the Complex Litigation Division of the San Francisco City Attorney's Office.

4. I was admitted to the California State Bar in the Fall of 2012. I am admitted to practice in all state courts in California and in all United States District Courts in California.

5. Upon admission to the State Bar, I became a Deputy County Counsel in the Litigation Section of the Santa Clara County Counsel's office. The Santa Clara County Counsel's office is one of the largest and most sophisticated offices of government lawyers in the county. The County Counsel's office engages in significant impact litigation and, of course, is responsible for the legal representation of the County. In my capacity as Deputy County Counsel, I litigated cases ranging from employment disputes to constitutional challenges to County jail policies.

6. Before starting my own firm, I also worked as an associate attorney with Lawyers for Justice, P.C., a class action law firm in California. In that capacity, I was

1 responsible for the day-to-day management of numerous wage and hour class actions at a
2 given time.

3 7. I started my own law firm in early 2016. In 2018, 2019, 2020, 2021, and 2022,
4 I was selected as a Super Lawyer Rising Star based on nominations from my peers, a
5 distinction only received by 2.5% of attorneys. The vast majority of my practice consists of
6 litigating wage and hour class actions filed in California. Some of our firm's representative
7 matters include:

8 a. *Midwest Motor Supply Co. v. Superior Court* (2020) 56 Cal.App.5th 702: In its
9 published opinion, the Court of Appeal affirmed the trial court's denial
10 of Defendant's motion to dismiss or stay action for forum non conveniens because
11 Defendant's purported forum selection clause was unenforceable under Labor Code
12 section 925.

13 b. *Zakaryan v. The Men's Wearhouse, Inc.* (2019) 33 Cal.App.5th 659: In its
14 published opinion, Court of Appeal affirmed a trial court's denial of Defendant's
15 motion to compel arbitration (disapproved on another ground in *ZB, N.A. v.*
16 *Superior Court* (2019) 8 Cal.5th 175).

17 8. I have been appointed certified Class Counsel in the following proceedings in
18 connection with approvals of wage and hour class action and Private Attorney General Act
19 settlements: *Amie Pfiefer v. Zesty Inc.*, San Francisco Superior Court, CGC-19-574570;
20 *Anthony Dirico, et al. v. Seek Capital, LLC*, Los Angeles Superior Court Case No. BC698076;
21 *Brandon Centino v. Arrowhead Products, Orange County Superior Court*, Case No. 30-2018-
22 00988493; *Donna Burris v. Resort Vacations, Inc.*, Orange County Superior Court, Case No.
23 2018-00997260; *Elizabeth Merritt v. Houzz Inc.*, Santa Clara Superior Court, Case No.
24 19CV341181; *Janet Manteon v. M.A.C. Cosmetics, Inc.*, Los Angeles County Superior Court,
25 Case No. BC702940; *Jamal Holcomb v. Weiser Security Services, Inc.*, Los Angeles Superior
26 Court, Case No. 19STCV03843; *Jerome Hughes, et al. v. Surveillance Security, Inc.*, Judicial
27 Coordination Proceeding Case No. 4969; *Jihwan Kim v. Demandforce, Inc.*, San Francisco
28 Superior Court, Case No. CGC-18-570997; *Jordan Olson v. Medtronic, Inc., et al.*, San

1 Francisco Superior Court, Case No. CGC-19-576875; *Joseph Jun Caballero v. MLTD, Inc.*,
2 Los Angeles Superior Court Case No. BC659936; *Kendall Klette v. Balboa Capital*
3 *Corporation*, Orange County Superior Court, Case No. 30-2018-00970552; *Kevin Klein v.*
4 *Loomis Armored, US LLC*, San Bernardino Superior Court Case No. CIVDS1704547; *Leslie*
5 *Walling v. National Funding Inc.*, San Diego Superior Court, Case No. 201800061889; *Lorena*
6 *Sanchez v. Valley Presbyterian Hospital*, Los Angeles Superior Court Case No. BC678638;
7 *Lucas Cardena v. Strata Capital Corporation*, Orange County Superior Court, Case No. 30-
8 2018-01041233-CU-OE-CXC; *Michael Schmitz, et al. v. HealthIQ Re Inc.*, Santa Clara
9 Superior Court, Case No. 18CV337951; *Patricia Martinez v. Whaler LLC*, Los Angeles
10 Superior Court Case No. BC621047; *Rhett Hubbard v. Caliber Home Loans, Inc.*, Orange
11 County Superior Court, 30-2018-01017838; *Shameka Watson v. Aegis Security &*
12 *Investigations Inc.*, Los Angeles Superior Court Case No. BC695411; *Shayna Amster v.*
13 *Starbucks Corporation*, San Bernardino Superior Court, Case No. CIVDS1922016; *Suzana*
14 *Mederos v. Consolidated Disposal Service, L.L.C.*, Los Angeles Superior Court, Case No.
15 BC677379; *Tyler Jones, et al. v. Citiguard, Inc.*, Los Angeles County Superior Court Case No.
16 BC664890; *Lamir McQueen v. City of Santa Monica*, Los Angeles County Superior Court
17 Case No. BC627227; *David Kassiss v. Paychex North America Inc.*, Sacramento County
18 Superior Court Case No. 2019-00270896-CV; *George Van Heel v. GCA Educational Services,*
19 *Inc.*, Los Angeles County Superior Court Case No. 19STCV44969; *Don Vasquez v. Milk*
20 *Specialties Company*, Tulare County Superior Court Case No. VCU282778; *Chafen Suttle v.*
21 *Children's Hospital Los Angeles*, Los Angeles County Superior Court Case No.
22 19STCV46960; *Tanya Savidis v. Lumber Liquidators Inc.*, Alameda County Superior Court
23 Case No. RG20057480; *Patrick Finch v. Midwest Motor Supply Co.*, Contra Costa Superior
24 Court Case No. CIVMSC19-02038; *Beniyam Kebede v. Wrike, Inc.*, Santa Clara County
25 Superior Court Case No. 20CV366599; *Jason Mitchiner v. Move Sales, Inc.*, Los Angeles
26 County Superior Court Case No. 20STCV23141; *Craig Russell v. Nutanix, Inc.*, Santa Clara
27 County Superior Court Case No. 20CV3669431; *James Fleming v. Mission Linen Supply,*
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1 Sacramento County Superior Court Case No. 2019-00267357-CV; *LaDonna Page v. Insource*
2 *Performance Solutions, LLC*, Alameda Superior Court Case No. RG21096367.

3 9. I consider myself experienced and qualified to evaluate the class claims and
4 viability of the defenses. Based on the history of the above-captioned case, and given my
5 experience and analysis, it is my view that the settlement is fair, reasonable, and adequate, and
6 in the best interest of the class members. Had the litigation not reached the proposed
7 settlement set forth in the Settlement Agreement, I would have continued to prosecute the
8 class' claims through certification, trial and beyond.

9 10. Zachary Gershman is an associate attorney of Lebe Law, APLC in good
10 standing of the State Bar of California and admitted to practice in all state courts in California,
11 and in the Central, Eastern, and Northern United States District Courts in California.

12 11. Mr. Gershman began working for Lebe Law, APLC in August of 2019 as a law
13 clerk after graduating from the USC Gould School of Law in May of 2019, where he was an
14 Executive Senior Editor of the Southern California Law Review. He received his Bachelor of
15 Arts degree in Political Science from the University of Connecticut in 2015. He was admitted
16 to the California State Bar on December 2, 2019.

17 **Attorneys' Fees**

18 12. I have worked approximately 196.2 hours in the prosecution of this matter and
19 the related class and PAGA action matters in the Superior Court for the County of Alameda
20 for Mr. Tran against Defendant Garuda Labs, Inc. DBA Instawork. My work on this case
21 included participating in the initial investigations and discovery, preparing the pleadings and
22 notice to the Labor and Workforce Development Agency for the related matters, preparing
23 discovery requests, drafting the opposition to Defendant's motion to compel arbitration in the
24 related matter, assisting in the preparation for, and attending each of the three mediations. At
25 my billable rate of \$800 per hour my lodestar attorney's fees, before any multiplier, amount to
26 \$156,960. Moreover, my firm has incurred \$112.54 in costs in this matter. My rate with
27 annual increases has been approved by other California courts, including those listed in
28

1 paragraph 8. Attached as “**Exhibit A**” is a breakdown of my firm’s current costs in this
2 matter.

3 13. Mr. Gershman has expended a total of 183.5 hours in the prosecution of this
4 matter and the related class and PAGA action matters in the Superior Court for the County of
5 Alameda for Mr. Tran against Defendant Garuda Labs, Inc. DBA Instawork. Mr. Gershman’s
6 work on this case included participating in the initial investigations and discovery, preparing
7 the pleadings and notice to the Labor and Workforce Development Agency for the related
8 matters, preparing discovery requests, drafting the opposition to Defendant’s motion to compel
9 arbitration in the related matter, assisting in the preparation for, and attending each of the three
10 mediations. None of his time duplicated the time expended by others. Mr. Gershman’s rate
11 with annual increases has also been approved by other California courts, including those listed
12 in paragraph 8. At his requested rate of \$475, his fees calculate out to \$87,162.5.

13 14. I have been practicing law for over ten years, and I have significant experience,
14 skill, and expertise in employment matters. My firm, Lebe Law, APLC, sets the billing rates
15 of its attorneys to be consistent with the prevailing market rates in the private sector for
16 attorneys and staff of comparable skill, qualifications and experience by monitoring the
17 prevailing market rates charged by both defense and plaintiff law firms. According to the
18 2023 Laffey Matrix, relevant portions of which are attached hereto as “**Exhibit B**”, my
19 requested hourly rate of \$800 is reasonable for an attorney that is eleven years out of law
20 school. In fact, my requested hourly rate is \$29 per hour less than the suggested rate for an
21 attorney in his eleventh year of practice. Furthermore, according to the Laffey Matrix, Mr.
22 Gershman’s requested hourly rate of \$475 is reasonable, as it is \$33 less per hour than the
23 median hourly rate for an associate between their fourth and seventh year of practice.

24 15. The total lodestar for my firm is \$244,122.50.

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1 I declare under penalty of perjury under the laws of the State of California and the
2 United States of America that the foregoing is true and correct. Executed on August 3, 2023 in
3 the City of Los Angeles in the State of California.

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6 JONATHAN M. LEBE
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EXHIBIT A

Lebe Law, APLC Case Costs
Tran v. Garuda Labs, Inc. d/b/a Instawork

Date	Description	Rate (\$)
3/17/20	Certified Letter for Records Request to Garuda Labs, Inc.	\$ 6.95
3/31/20	Certified Mail of PAGA Notice to Instawork	\$ 7.15
3/31/20	PAGA Notice Submission (LWDA)	\$ 75.00
7/8/20	Amended PAGA Notice to Sumir Meghani	\$ 8.49
1/5/22	Filing CMC Statement	\$ 14.95
	TOTAL	\$ 112.54

EXHIBIT B

LAFFEY MATRIX

[History](#)
[Case Law](#)
[See the Matrix](#)
[Contact us](#)
[Home](#)

			Years Out of Law School *				
Year	Adjustmt Factor**	Paralegal/ Law Clerk	1-3	4-7	8-10	11-19	20 +
6/01/22- 5/31/23	1.085091	\$225	\$413	\$508	\$733	\$829	\$997
6/01/21- 5/31/22	1.006053	\$208	\$381	\$468	\$676	\$764	\$919
6/01/20- 5/31/21	1.015894	\$206	\$378	\$465	\$672	\$759	\$914
6/01/19- 5/31/20	1.0049	\$203	\$372	\$458	\$661	\$747	\$899
6/01/18- 5/31/19	1.0350	\$202	\$371	\$455	\$658	\$742	\$894
6/01/17- 5/31/18	1.0463	\$196	\$359	\$440	\$636	\$717	\$864
6/01/16- 5/31/17	1.0369	\$187	\$343	\$421	\$608	\$685	\$826
6/01/15- 5/31/16	1.0089	\$180	\$331	\$406	\$586	\$661	\$796
6/01/14- 5/31/15	1.0235	\$179	\$328	\$402	\$581	\$655	\$789
6/01/13- 5/31/14	1.0244	\$175	\$320	\$393	\$567	\$640	\$771
6/01/12- 5/31/13	1.0258	\$170	\$312	\$383	\$554	\$625	\$753
6/01/11- 5/31/12	1.0352	\$166	\$305	\$374	\$540	\$609	\$734
6/01/10- 5/31/11	1.0337	\$161	\$294	\$361	\$522	\$589	\$709
6/01/09- 5/31/10	1.0220	\$155	\$285	\$349	\$505	\$569	\$686
6/01/08- 5/31/09	1.0399	\$152	\$279	\$342	\$494	\$557	\$671
6/01/07-5/31/08	1.0516	\$146	\$268	\$329	\$475	\$536	\$645
6/01/06-5/31/07	1.0256	\$139	\$255	\$313	\$452	\$509	\$614
6/1/05-5/31/06	1.0427	\$136	\$249	\$305	\$441	\$497	\$598
6/1/04-5/31/05	1.0455	\$130	\$239	\$293	\$423	\$476	\$574
6/1/03-6/1/04	1.0507	\$124	\$228	\$280	\$405	\$456	\$549
6/1/02-5/31/03	1.0727	\$118	\$217	\$267	\$385	\$434	\$522
6/1/01-5/31/02	1.0407	\$110	\$203	\$249	\$359	\$404	\$487
6/1/00-5/31/01	1.0529	\$106	\$195	\$239	\$345	\$388	\$468
6/1/99-5/31/00	1.0491	\$101	\$185	\$227	\$328	\$369	\$444
6/1/98-5/31/99	1.0439	\$96	\$176	\$216	\$312	\$352	\$424
6/1/97-5/31/98	1.0419	\$92	\$169	\$207	\$299	\$337	\$406
6/1/96-5/31/97	1.0396	\$88	\$162	\$198	\$287	\$323	\$389
6/1/95-5/31/96	1.032	\$85	\$155	\$191	\$276	\$311	\$375
6/1/94-5/31/95	1.0237	\$82	\$151	\$185	\$267	\$301	\$363

The methodology of calculation and benchmarking for this Updated Laffey Matrix has been approved in a number of cases. See, e.g., *DL v. District of Columbia*, 267 F.Supp.3d 55, 69 (D.D.C. 2017)

* $\frac{1}{2}$ Years Out of Law School $\frac{1}{2}$ is calculated from June 1 of each year, when most law students graduate. $\frac{1}{2}$ 1-3" includes an attorney in his 1st, 2nd and 3rd years of practice, measured from date of graduation (June 1). $\frac{1}{2}$ 4-7" applies to attorneys in their 4th, 5th, 6th and 7th years of practice. An attorney who graduated in May 1996 would be in tier $\frac{1}{2}$ 1-3" from June 1, 1996 until May 31, 1999, would move into tier $\frac{1}{2}$ 4-7" on June 1, 1999, and tier $\frac{1}{2}$ 8-10" on June 1, 2003.

** The Adjustment Factor refers to the nation-wide Legal Services Component of the Consumer Price Index produced by the Bureau of Labor Statistics of the United States Department of Labor.