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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

ERNESTO DELGADO,

Plaintiffs,

vs.

KLOECKNER METALS CORPORATION,
et al.

Defendants.

Case No.: 20STCV22503

[Assigned to the Honorable Yvette M.
Palazuelos, Department 9]

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

Date: August 23, 2022
Time: 10:30 a.m.
Dept.: 9

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I, Larry W. Lee, hereby declare and state as follows:

1. I am an attorney at law duly admitted to practice before all courts in the State of California and am a member of the law firm of the Diversity Law Group, P.C., one of the attorneys of record for Plaintiff Ernesto Delgado (“Plaintiff”), in the above-entitled action. I have personal knowledge of the matters set forth herein, and if called upon as a witness to testify thereto, I could and would competently do so.

2. I am one of the primary attorneys on this matter. My qualifications are as follows: I received my JD from Arizona State University College of Law in 2003. During law school, I was a summer associate at the law firm of Brobeck, Phleger & Harrison. I graduated cum laude from Arizona State University College of Law in the top 10% of my class. While I was in law school, I was the Associate Managing Editor of the Arizona State University College of Law, Law Journal.

3. For more than one and a half years I practiced law as an associate at the Los Angeles County offices of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., a national employment defense law firm that represents a significant number of Fortune 50 companies, including many actions involving wage and hour matters.

4. My primary practice is employment law. I have handled a number of class actions and individual actions, on both plaintiff and defense sides. I have a practice that encompasses cases in the Los Angeles Superior courts, the Orange County Superior Courts, the Los Angeles County Superior Courts, the San Diego County Superior courts, and the United States District Courts for the Central, Northern and Eastern Districts of California.

5. I have been approved as Class Counsel in a number of class actions, including but not limited to *Chan-Lanier v. Citibank* (Case No. CGC-050445143); *Hernandez v. CVS Pharmacy, Inc.* (Judicial Council Coordination Proceeding No. 4539), *Tse v. Best Buy Co, Inc.* (Case Number BC393717), *Orgeta v. AIG, Inc* (Case Number CV 06-196-RSWL (PJWx)), and *Castro v. UPS Freight, Inc.* (Case Number CV 08-4898 ODW (CWx)) and by this Court in *Chavez v. PVH* (Case No. C 13-01797 LHK).

1 6. In addition, I was certified as class counsel by the United States District Court,
2 Central District of California in the case of *Abdullah v. U.S. Security* (Case Number CV 09-
3 09554 GHK), *Avilez v. Pinkerton Government Services, Inc.* (Case Number SACV 11-0493-
4 DOC), *Dynabursky v. Allied Barton Security Services* (Case Number SACV 12-02210 JST); and
5 *Pace v. Petsmart, Inc.* (Case Number SACV 13-500-DOC); by the Northern District of
6 California in the cases of *Harris v. Vector Marketing Corp.* (Case Number CV 08 5198 EMC),
7 and *Lemus et al. v. H&R Block Enterprises, LLC* (Case Number CV-09-03179-SI); and by the
8 Superior Court of California, Orange County in the cases of *De la Cruz v. Abercrombie & Fitch*
9 *Co. et al.* (Case Number 30-2007-00036240) and *Wu v. General Nutrition Corporation* (Case
10 Number 30-2012-00593759), all as part of the Courts' orders granting class certification
11 pursuant to Rule 23 of the FRCP and California Code of Civil Procedure § 382.

12 7. Plaintiff and his counsel conducted an extensive investigation of the factual
13 allegations involved in this case since the inception. Specifically, Plaintiff's counsel propounded
14 special interrogatories and requests for production of documents, obtained and reviewed
15 discovery responses and Defendant's document production, and took the depositions of
16 Defendant's FRCP 30(b)(6) witnesses regarding its meal and rest break and payroll policies and
17 procedures. Plaintiff's counsel also communicated with various class members regarding the
18 claims in this lawsuit.

19 8. Each side has apprised the other of their respective factual contentions, legal
20 theories and defenses, resulting in extensive arm's-length negotiations taking place among the
21 Parties. Although Plaintiff's counsel are certain that they can prevail on class certification, as
22 well as on the merits, they recognize the inherent risks in drawn-out litigation, including that
23 Plaintiff could fail to establish liability. Based on their own independent investigation and
24 evaluation, the Parties and their respective counsel are of the opinion that the settlement for the
25 consideration and on the terms set forth in the Joint Stipulation of Class and Representative
26 Action Settlement Agreement and Release ("Settlement Agreement") are fair, reasonable, and
27 adequate and the settlement is in the best interests of the class and Defendant in light of all
28 known circumstances and the expenses and risks inherent in litigation.

9. Plaintiff also believes in the fairness of the settlement that is based on factoring in the uncertainty and risks to Plaintiff involved in not prevailing on one or more of the causes of action or theories alleged in the operative Complaint and the possibility of appeals.

10. Plaintiff and Plaintiff's counsel are adequate representatives in that they have no conflicts with the class and will adequately represent the class.

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

Executed on May 24, 2022, at Los Angeles, California.


Larry W. Lee