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LEBE LAW, APLC

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Attorneys for Plaintiff Julio Ochoa, individually and
on behalf of all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

JULIO OCHOA, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

SPEECH AND LANGUAGE
DEVELOPMENT CENTER, INC.; and
DOES 1 through 25, inclusive

Defendants.

Case No. 30-2020-01143577-CU-OE-CXC
ASSIGNED FOR ALL PURPOSES TO:
The Honorable Lon F. Hurwitz / Dept CX103

**DECLARATION OF JONATHAN M.
LEBE IN SUPPORT OF PLAINTIFF'S
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Set by Court Order - ROA #194

Date: May 17, 2024

Time: 1:30 p.m.

Dept: CX 103

Judge: Hon. Lon F. Hurwitz

Complaint filed: June 18, 2020

Trial date: Not set

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1 given time. In this position, I engaged in all possible types of motion practice including
2 preparing motions for class certification.

3 7. Lebe Law, APLC prosecutes wage and hour class and representative actions
4 on behalf employees in California and across the United States. Lebe Law, APLC serves as
5 plaintiffs' counsel of record in scores of wage and hour class and representative actions
6 pending in both state and federal court. Lebe Law, APLC is counsel of record in the
7 following currently pending wage and hour class and representative actions in which class or
8 conditional certification was granted:

9 a. *Jasmin Ortega v. Carson Wild Wings, LLC*, Los Angeles Superior Court,
10 Case No. BC677389; and

11 b. *Jennifer Pardo v. Papa, Inc.*, United States District Court, Northern District
12 of California, Case No. 3:21cv06326-RS.

13 8. Lebe Law, APLC also has a robust appellate practice. The following are
14 representative and currently pending appeals in which Lebe Law, APLC was or is counsel of
15 record:

16 a. *Bytedance, Inc. Db a TikTok v. Irina Weisfeiler*, Case No. A168006, in the
17 First Appellate District (pending);

18 b. *Ecolab, Inc. v. Mario Balderrama*, Case No. D082043, California Court of
19 Appeal, Fourth Appellate District (pending);

20 c. *It Works Marketing, Inc. v. Marites Perez*, Case No. A168331, in the First
21 Appellate District (pending);

22 d. *Midwest Motor Supply Co. v. Superior Court* (2020) 56 Cal.App.5th 702 (in
23 its published opinion, the Court of Appeal affirmed the trial court's denial
24 of Defendant's motion to dismiss or stay action for forum non conveniens
25 because Defendant's purported forum selection clause was unenforceable
26 under Labor Code section 925);

27 e. *Sunrun, Inc. v. Angel Mondragon* (2024) 2024 Cal. App. LEXIS 269, (in its
28 published opinion, the Court of Appeal affirmed a trial courts denial of an

1 employer's motion to compel arbitration, finding that they had failed to
2 delegate the issue of arbitrability to the arbitrator);

- 3 f. *Zakaryan v. The Men's Wearhouse, Inc.* (2019) 33 Cal.App.5th 659 (in its
4 published opinion, Court of Appeal affirmed a trial court's denial of
5 Defendant's motion to compel arbitration (disapproved on another ground in
6 *ZB, N.A. v. Superior Court* (2019) 8 Cal.5th 175)).

7 **Experience of Zachary Gershman**

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

11 10. Mr. Gershman began working for Lebe Law, APLC in August of 2019 as a law
12 clerk after graduating from the USC Gould School of Law in May of 2019, where he was an
13 Executive Senior Editor of the Southern California Law Review. He was admitted to the
14 California State Bar on December 2, 2019.

15 **Attorney's Fees and Costs Sought**

16 11. The chart below shows the hours spent by each of Lebe Law APLC's
17 attorneys on categories of work on this case resolving both the PAGA and class action claims
18 at issue:

Task and Related Communications or Meetings	Mr. Lebe	Mr. Gershman
Pleadings and Notice to LWDA	7.6	8.3
Client Communications	2.9	1.3
Investigations and Discovery	1.4	3.8
Mediation Preparation, Attendance, and Post-Mediation	23.1	7.3
Settlement and Related Filings	14.5	16.1
Other Court Filings	0	3.7
Legal Research	0	1.4
Total Hours	49.5	41.9
Fees	\$39,600	\$ 19,902.50

27 12. I have expended 49.5 hours in the prosecution of this action from its inception
28 at a reasonable billing rate of \$800 an hour for a total lodestar of \$59502.5. My firm has

1 expended \$90.88 in costs in this matter, a detailed breakdown of which is attached hereto as
2 **“Exhibit A.”**

3 13. Mr. Gershman has expended 41.9 hours in the prosecution of this action from
4 its inception for a total lodestar of \$19,902.50. None of his time duplicated the time expended
5 by others.

6 14. The hours spent by me, and Mr. Gershman reflect time reasonably spent
7 litigating this case, which I sought to efficiently manage, and divide the work to avoid the
8 duplication of effort.

9 15. I have practiced law for nearly eleven years and I have significant experience,
10 skill, and expertise in employment matters. My firm, Lebe Law, APLC, sets the billing rates
11 of its attorneys to be consistent with the prevailing market rates in the private sector for
12 attorneys and staff of comparable skill, qualifications and experience by monitoring the
13 prevailing market rates charged by both defense and plaintiff law firms. According to the
14 Laffey Matrix, relevant portions of which have been attached hereto as **“Exhibit B”**, my
15 requested hourly rate of \$800 is reasonable for an attorney that is eleven years out of law
16 school. Furthermore, according to the Laffey Matrix, Mr. Gershman’s requested hourly rate
17 of \$475 is reasonable, as it is \$63 less per hour than the median hourly rate for an associate
18 between their fourth and seventh year of practice.

19 I declare under penalty of perjury under the laws of the State of California and the
20 United States of America that the foregoing is true and correct. Executed on April 24, 2024
21 in the City of Los Angeles in the State of California.

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24 _____
25 JONATHAN M. LEBE
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EXHIBIT A

Lebe Law, APLC Case Costs
Ochoa v. Speech and Language Development Center, Inc.

Date	Description	Rate (\$)
5/13/20	Postage for PAGA Notice	\$ 8.93
5/13/20	PAGA Notice Filing Fee	\$ 75.00
3/31/20	Postage for Records Request	\$ 6.95
	TOTAL	\$ 90.88

EXHIBIT B

LAFFEY MATRIX

[History](#)
[Case Law](#)
[See the Matrix](#)
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			Years Out of Law School *				
Year	Adjustmt Factor**	Paralegal/ Law Clerk	1-3	4-7	8-10	11-19	20 +
6/01/23- 5/31/24	1.059295	\$239	\$437	\$538	\$777	\$878	\$1057
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.