

LEBE LAW, APLC

Jonathan M. Lebe (SBN 284605)

jon@lebelaw.com

Zachary Gershman (SBN 328004)

zachary@lebelaw.com

777 S. Alameda Street, Second Floor

Los Angeles, CA 90021

Telephone: (213) 444-1973

COHELAN KHOURY & SINGER

Michael D. Singer (SBN 115301)

msinger@ckslaw.com

Jeff Geraci (SBN 151519)

jgeraci@ckslaw.com

605 C Street, Suite 200

San Diego, CA 92101

Telephone: (619) 595-3001

Facsimile: (619) 595-3000

Attorneys for Plaintiff Don M. Vasquez, individually and
on behalf of all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF TULARE

DON M. VASQUEZ, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

SAPUTO CHEESE USA INC., a Delaware
corporation; and DOES 1 through 25,
inclusive

Defendants.

Case No. VCU282978

ASSIGNED FOR ALL PURPOSES TO:

The Honorable John P. Bianco

Department 2

CLASS ACTION

**SUPPLEMENTAL DECLARATION OF
JONATHAN M. LEBE IN SUPPORT OF
PRELIMINARY APPROVAL HEARING**

Continued Hearing Information

Hearing: January 8, 2024

Time: 8:30 a.m.

Dept.: 2

Judge: Hon. John P. Bianco

Complaint filed: May 27, 2020

Trial date: Not Set

DECLARATION OF JONATHAN M. LEBE

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 Don Vasquez ("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,*
28

Sacramento County Superior Court Case No. 2019-00267357-CV; *LaDonna Page v. Insource Performance Solutions, LLC*, Alameda Superior Court Case No. RG21096367.

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

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

Attorneys' Fees

11. Below is a table that summarizes the hours and billable rates spent by the attorneys in my office who have worked on this matter over the past three years.

Task and Related Communications or Meetings	Mr. Lebe	Mr. Gershman
Pleadings and Notice to LWDA	13.2	14.7
Client Communications	5.4	7.1
Investigations and Discovery	35.4	38.4
Mediation Preparation, Attendance, and post-mediation	32.1	29.5
Settlement and Related Filings	11.3	10.6
Other Court Filings	12.3	8.2
Legal Research	0	1.6
Total Hours	109.7	111.1
Fees	\$87,760	\$52,772.5

12. As shown above, I have worked approximately 109.7 hours on this case. This number is inclusive of the one hour I expect to spend attending the final approval hearing in this matter. At my billable rate of \$800 per hour my lodestar attorney's fees, before any multiplier, amount to \$87,760. My rate with annual increases has been approved by other California courts, including in those listed in paragraph 10.

1 13. As shown above, Mr. Gershman has expended a total of 111.1 hours in the
2 prosecution of this matter. This number is inclusive of the one-hour Mr. Gershman expects to
3 spend attending the final approval hearing in this matter. None of his time duplicated the time
4 expended by others. Mr. Gershman's rate with annual increases has also been approved by
5 other California courts, including those listed in paragraph 10. At his requested rate of \$475,
6 his fees calculate out to \$52,772.50.

7 14. I have practiced law for eleven years, and I have significant experience, skill,
8 and expertise in employment matters. My firm, Lebe Law, APLC, sets the billing rates of its
9 attorneys to be consistent with the prevailing market rates in the private sector for attorneys
10 and staff of comparable skill, qualifications and experience by monitoring the prevailing
11 market rates charged by both defense and plaintiff law firms. Even without adjusting the
12 *Laffey* Matrix figures upwards to account for the higher cost of living in this District (as
13 compared to the District of Columbia), the *Laffey* Matrix, attached hereto as "Exhibit A",
14 demonstrates that Class Counsel's requested hourly rates are reasonable. According to the
15 *Laffey* Matrix, relevant portions of which are attached hereto as "Exhibit A", my requested
16 hourly rate of \$800 is reasonable for an attorney that is eleven years out of law school.
17 Furthermore, according to the *Laffey* Matrix, Mr. Gershman's requested hourly rate of \$475 is
18 reasonable, as it is \$33 less per hour than the median hourly rate for an associate between their
19 fourth and seventh year of practice.

20 15. My firm and I have expended a total of 220.8 hours prosecuting this action.
21 The total lodestar for my firm is \$140,532.50.

22 I declare under penalty of perjury under the laws of the State of California and the
23 United States of America that the foregoing is true and correct. Executed on December 21,
24 2023 in the City of Los Angeles in the State of California.

25
26 

27 JONATHAN M. LEBE
28

EXHIBIT A

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 +
6/01/23- 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.