

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

**DECLARATION OF JONATHAN M. LEBE
IN SUPPORT OF FINAL APPROVAL OF
CLASS AND REPRESENTATIVE ACTION
SETTLEMENT**

Hearing Information

Hearing: July 22, 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. Lebe Law, APLC prosecutes wage and hour class and representative actions on
4 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 following
7 currently pending wage and hour class and representative actions in which class or conditional
8 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 of
12 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 First
17 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 its
23 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 under
26 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

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

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

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	13.1
Other Court Filings	12.3	8.2
Legal Research	0	1.6
Total Hours	109.7	113.6
Fees	\$87,760	\$53,960

13. As shown above, Mr. Gershman has expended a total of 113.6 hours in the prosecution of this matter. This number is inclusive of the one-hour Mr. Gershman expects to spend attending the final approval hearing in this matter. None of his time duplicated the time expended by others. At his requested rate of \$475, his fees calculate out to \$53,960.

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

15. My firm and I have expended a total of 223.3 hours prosecuting this action. The total lodestar for my firm is \$141,720.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct. Executed on June 6, 2024 in the City of Los Angeles in the State of California.

- 4 -

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.