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NUNEZ, on behalf of themselves and all others similarly
situated and on behalf of the general public

Attorneys for Plaintiffs ALLONA FRAME, SARA KHESRAWI, and ROXANA EDLYN
GARCIA NUNEZ, on behalf of themselves and all others similarly situated and on behalf of the
general public

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO, CENTRAL DIVISION**

ALLONA FRAME, SARA KHESRAWI, and
ROXANA EDLYN GARCIA NUNEZ, on
behalf of themselves and all others similarly
situated, and on behalf of the general public,

Plaintiffs,

v.

LUXOTTICA OF AMERICA, INC.,
LUXOTTICA RETAIL NORTH AMERICA,
INC.; and DOES 1-100,

Defendants.

Lead Case No. 37-2020-00026895-CU-OE-
CTL

**DECLARATION OF VINCENT C.
GRANBERRY IN SUPPORT OF
PLAINTIFFS' MOTION FOR APPROVAL
OF PAGA SETTLEMENT**

DECLARATION OF VINCENT C. GRANBERRY

I, Vincent C. Granberry, declare:

1. I am an attorney licensed to practice law in the State of California, and am an associate attorney with Lavi & Ebrahimian, LLP, attorneys of record for Plaintiffs in this action. I am familiar with the files, pleadings, and facts in this case and could and would competently testify to the following facts on the basis of my own personal knowledge or information and belief. I am a member in good standing of the bar of the State of California.

2. This Declaration is submitted in support of Plaintiffs' Motion for Approval of PAGA Settlement.

COUNSEL'S INVESTIGATION

3. On June 19, 2020, Plaintiff Sara Khesrawi ("Plaintiff Khesrawi") submitted notice to the LWDA of her intention to bring a claim for civil penalties pursuant to PAGA for Defendant's alleged violations of the Labor Code. The LWDA did not respond to Plaintiff's notice.

4. On August 24, 2020, Plaintiff filed a representative action complaint against Defendant Luxottica of America Inc. and Luxottica Retail North America Inc. ("Defendants") in the Superior Court of California, County of Alameda, Case No. RG20072437, alleging a single cause of action for civil penalties pursuant to PAGA for the following violations: (1) failure to pay wages for all hours worked at minimum wage; (2) failure to pay overtime wages for overtime hours worked; (3) failure to pay overtime wages at the proper overtime rate; (4) failure to authorize or permit meal periods and/or pay meal period premiums; (5) failure to pay meal period premiums at the proper regular rate; (6) failure to authorize or permit rest periods and/or pay rest period premiums; (7) failure to pay rest period premiums at the proper regular rate; (8) failure to provide complete and accurate wage statements; and (9) failure to timely pay all earned and unpaid wages due upon separation of employment ("*Khesrawi Action*").

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EXPERIENCE OF COUNSEL

5. Lavi & Ebrahimian, LLP is experienced and qualified to act as counsel for the aggrieved employees, to evaluate the PAGA claims, to evaluate settlement versus trial on a fully informed basis, and to evaluate the viability of the defenses.

6. I, and the law firm of Lavi & Ebrahimian, LLP, have practiced exclusively in the area of labor and employment law.

7. I graduated from Sandra Day O'Connor College of Law at Arizona State University in 2010. I have been in practice since 2011 and have been an attorney with the law firm of Lavi & Ebrahimian, LLP since April 2014, focusing exclusively in the area of employment law. Over the last eight (8) years, my practice has focused nearly exclusively on wage and hour class action litigation with a handful of consumer class actions. Super Lawyers Magazine has selected me as a Southern California Rising Star in 2016 through 2023 and as a Super Lawyers Rising Star Up-And-Coming 100 in my field in 2018, 2020, 2021, 2022, and 2023.

8. I am also familiar with the practice of Lead Counsel Joseph Lavi having worked as an associate with Lavi & Ebrahimian, LLP since April 2014. Mr. Lavi graduated from law school in 2000 and has handled numerous cases in all aspects of employment and labor law, including state and federal class actions, wrongful termination, discrimination, harassment and retaliation cases. Mr. Lavi has tried employment cases in State and Federal court, and has argued before various Courts of Appeals, on employment issues such as validity of Arbitration Agreements, Application of Res Judicata in class action cases, and other employment issues. Mr. Lavi has been a panelist and/or speaker for various Employment Law Continuing Legal Education Panels on issues of employment law trials, how to proceed and conduct trials, and proving and winning punitive damages. Mr. Lavi has been named a Southern California Super Lawyer in the area of plaintiffs' employment litigation for Class Actions from 2011-2023. Mr. Lavi has settled dozens of wage and hour class actions and is currently plaintiffs' counsel in many others. Some of the class actions that Mr. Lavi has handled against employers on wage and hour issues and have been approved as class counsel include cases against the following: Kaiser Permanente which settled for \$6,510,000.00; Hustler Casino which settled for \$980,000.00; Chevron Stations Inc., which settled for

1 \$4,500,000.00; Commerce Casino which settled for \$1,575,000.00; BP West Cost Products, which
2 settled for \$4,000,000.00; Kaiser Permanente which settled for \$3,600,000.00, Fuddruckers (as lead
3 counsel) which settled for \$900,000.00; Movado Retail Group, Inc. (as lead counsel) which settled
4 for \$728,000.00; Chuck-E-Cheese's (as lead counsel) which settled for \$1,900,000.00; Aero-
5 Electric Connector, Inc. (as lead counsel) which settled for \$1,500,000.00; Clougherty Packing,
6 LLC (as lead counsel) which settled for \$4,250,000.00; and Gruma Corporation (as lead counsel)
7 which defendants' petition to the United States Supreme Court in the matter was denied and the
8 matter settled for \$2,300,000.00. Mr. Lavi has been approved as class counsel by both Federal and
9 California Courts. Mr. Lavi and the other attorneys at Lavi & Ebrahimian who are available to assist
10 me in this case if needed are fully capable of adequately and fairly representing Plaintiffs and the
11 proposed class in this matter.

12 9. Lavi & Ebrahimian, LLP, has been appointed class counsel in over fifty (50)
13 contested proceedings including the following:

14 a. *Ischak v. Kaiser Foundation Hospitals, Inc.*, Los Angeles Superior Court
15 Case No. BC343535;

16 b. *Santana v. El Pollo Loco, Inc.*, Los Angeles Superior Court Case No.
17 BC369846;

18 c. *Edlin, et al. v. Fuddruckers, Inc.*, United States District Court, Central
19 District of California, Case No. CV-07-3678-ABC;

20 d. *Chavez, et al. vs. CEC Entertainment, Inc. d/b/a Chukee-Cheeses*, Los
21 Angeles Superior Court Case No. BC380996;

22 e. *Bustamante, et al. v. Teamone Employment Specialists*, Los Angeles Superior
23 Court Case No. BC383266;

24 f. *Cervantes, et al. v. Kaiser Foundation Hospitals, Inc.*, Alameda Superior
25 Court Case No. RG 0265835;

26 g. *Seng Savang v. Club One Casino*; Fresno Superior Court Case No.
27 05CECG02189;

28 h. *Norman, et al. v. Movado Retail Group, Inc.*, United States District Court,

Central District of California, Case No. CV08-06691 SVW (PLA)

i. *Shand v. G.A.L.A., Inc. dba Giorgio Armani*, Los Angeles Superior Court Case No. BC342588;

g. *Solis v. Plycraft Industries, Inc.*, Los Angeles Superior Court Case No. BC374816;

h. *Campos v. HWB Carwash, Inc.*, Los Angeles Superior Court Case No. BC378990;

i. *Acosta, et al. v. Texwood Industries*, United States District Court, Central District of California, Case No. CV07-3237-DDP (PLAX);

h. *Arevalo v. Gruma Corporation*, Los Angeles Superior Court Case No. BC410322;

j. *Burrola v. American Promotional Events*, Los Angeles Superior Court Case No. BC412315;

k. *Cortez v. Trader Distribution Services*, Los Angeles Superior Court Case No. BC397208;

l. *Cueva v. Allied Industries, Inc.*, Los Angeles Superior Court Case No. BC399431;

m. *Del Toro v. Petco Animal Supplies, Inc.*, San Diego Superior Court Case No. 37-2009-00103626-CU-OE-CTL;

n. *Garcia v. Home Cooking, Inc.*, Los Angeles Superior Court Case No. BC451148;

o. *Alcantar v. Amerimax Building Products, Inc.*, United States District Court, Central District of California, Case No. CV 10-8916 DDP (CWx);

p. *Arancivias v. Clougherty Packaging, LLC dba Farmer John*, Los Angeles Superior Court Case No. BC432406;

q. *Barajas v. Menzies Aviation, Inc.*, United States District Court, Central District of California, Case No CV-10-02315-JEM;

r. *Barrera v. BHFC Operating, LLC dba Bottega Louie*, Los Angeles Superior

1 Court Case No. BC462603;

2 s. *Camacho v. American Textile Maintenance Co.*, Los Angeles Superior
3 Court Case No. BC452570;

4 t. *Cortes v. Monsanto Company*, Ventura Superior Court Case No. 56-2010-
5 00366952-CU-OE-VTA;

6 u. *Escobar v. Aero-Electric Connector, Inc.*, Los Angeles Superior Court Case
7 No. BC421009;

8 v. *Gomez v. Bacara Resort & Spa*, Santa Barbara Superior Court Case No.
9 1341987;

10 w. *Gonzalez v. Ashley Furniture Industries, Inc.*, Los Angeles Superior Court
11 Case No. BC425708

12 x. *Gonzalez v. Burrtec Waste Industries, Inc.*, Los Angeles Superior Court Case
13 No. BC436879;

14 y. *Gutierrez v. Visterra Credit Union*, Riverside Superior Court Case No.
15 RIC10020183;

16 z. *Hernandez v. Kruse & Son, Inc.*, Los Angeles Superior Court Case No.
17 BC411849;

18 aa. *Lopez v. Tecno Industrial Engineering*, Los Angeles Superior Court Case No.
19 BC411134;

20 bb. *Lowanga v. Continental Currency Services, Inc.*, Orange County Superior
21 Court Case No. 30-2011-0044011-CU-OE-CXC;

22 cc. *Aguilar v. PLS Financial Services, Inc.*, United States District Court, Central
23 District of California, Case No. CV 10-0415 ODW (FMOx)

24 dd. *Lozada v. Classic Party Rentals, Inc.*, Los Angeles Superior Court Case No.
25 BC443792;

26 ee. *Madrid v. OPI Products, Inc.*, Los Angeles Superior Court Case No.
27 BC451489;

28 ff. *Martinez v. J. Fletcher Creamer & Son, Inc.*, United States District Court

Case No. CV 10-0968-PSG-FMOX;

gg. *Martinez v. Administaff Companies II, L.P.*, Los Angeles Superior Court Case No. BC425799;

hh. *Martinez v. Morgans Hotel Group Management, LLC*, Los Angeles Superior Court Case No. BC446744;

jj. *Sanchez v. La Brea Bakery, Inc.*, Los Angeles Superior Court Case No. BC456420;

ii. *Montenegro v. Ruggeri Marble and Granite, Inc.*, United States District Court, Central District of California, Case No. CV-10-00711 JFW (PLAx);

kk. *Reed v. 99 Cents Only Stores*, Los Angeles Superior Court Case No. BC436793;

ll. *Santos v. Noble Management Group-California, LLC*, United States District Court, Central District of California, Case No. CV 10-2594 DSF (VBKx)

mm. *Taylor v. U.S. Healthworks Holding Company, Inc.*, Orange County Superior Court Case No. 30-2011-00473505;

nn. *Valencia Diaz v. Gene Wheeler Farms, Inc.*, Los Angeles Superior Court Case No. BC436235;

oo. *Zad-Behtooie v. Valley Village*, Los Angeles Superior Court Case No. BC451490;

pp. *Bell v. Aidells Sausage Company, Inc.*, Alameda Superior Court Case No. RG10523946;

qq. *Negrete v. Cenveo, Inc.*, United States District Court, Central District of California, Case No. CV 11-09543 DSF (MRWx);

rr. *Bejar v. Exopack-Ontario, Inc.*, Orange County Superior Court Case No. 30-2011-00518396-CU-OE-CXC;

ss. *Aguilar v. PLS Financial Services, Inc.*, United States District Court, Central District of California, Case No. CV 10-0415 ODW (FMOx);

tt. *Sparks v. Larry Flynt dba Hustler Casino*, Los Angeles Superior Court Case

1 No. BC320172;

2 uu. *Morris v. Chevron Stations, Inc.*, Los Angeles Superior Court Case No.
3 BC361380;

4 vv. *Marino v. BP West Coast Products, LLC*, Los Angeles Superior Court Case
5 No. BC357987.

6 **ATTORNEYS' FEES**

7 10. Our firm has made every effort to litigate this action in an efficient and cost-effective
8 manner. Following review of our case file and hours and discussions with counsel, our firm has
9 spent approximately 89.7 hours on this matter.

10 11. In summary form, counsel's many tasks included the following: pre-filing
11 investigation, legal research, and research of Defendants; meeting and communicating with client
12 regarding her responsibility in bringing the action, the facts of the case, her employment, her work
13 environment, her documents, preparing pleadings; reviewing Plaintiff Khesrawi's file and
14 determining liability and evaluating claim and defense strengths and weaknesses; legal research of
15 case law and wage orders regarding applicable claims and defenses; propounding formal discovery
16 and reviewing the responses thereto; meeting and conferring and working with co-counsel over
17 informal discovery and mediation; drafting notices for litigation; evaluating Defendant's policies;
18 determining case strategy; communicating with co-counsel and Defendants' Counsel; analyzing
19 data and information provided in informal discovery; reviewing settlement and settlement
20 documents; reviewing the motion for approval and supporting documents; meeting with the client
21 regarding approval of the settlement; and drafting supporting declarations. All of the tasks and work
22 performed were reasonable and necessary to the prosecution of this case and justified, particularly
23 in light of the result achieved.

24 12. Throughout the course of this litigation, I have spent approximately 12.9 hours on
25 this matter. My unadjusted lodestar for my hours spent on this case amounts to approximately
26 \$8,707.50 (12.9 hours x \$675/hour = \$8,707.50). Given my experience and the focus of my
27 practice, if I were to charge for my type of work by the hour my rate would be \$675 per hour. A
28 \$675 rate is warranted based on my years of experience in a highly specialized area of law and is in

1 line with the Laffey Matrix.

2 13. Working closely with the other attorneys in my firm, I am aware of the experience
3 and achievements of the counsel involved in this matter as well as the rates which would be charged
4 if our work was on an hourly basis. Based on that information, I believe that my rate and the rates of
5 the attorneys in my firm are fully consistent with the market rate for attorneys with comparable
6 expertise, experience and qualifications. Based on the information I have, I believe that the rates of
7 our firm are reasonable and appropriate fees for Los Angeles attorneys with comparable expertise,
8 experience, and qualifications.

9 14. Throughout the course of this litigation, Joseph Lavi estimates he has spent at least
10 24.3 hours litigating this matter. Accordingly, Mr. Lavi's unadjusted lodestar in this matter is
11 \$22,477.50 (24.3 hours x \$925/hour = \$22,477.50). If Mr. Lavi were to charge a rate for this type of
12 work by the hour, given his experience and the focus of his practice, his current hourly rate would
13 be \$925 per hour. A \$925 rate is warranted based on Mr. Lavi's years of experience in a highly
14 specialized area of law and is in line with the Laffey Matrix. This rate is also in line with other
15 partners out of law school and practicing for over fifteen (15) years in California as indicated by the
16 2014 and 2008 National Law Journal Survey.

17 15. Throughout the course of this litigation, Melissa A. Huether estimates she has spent
18 at least 8 hours litigating this matter. Accordingly, Ms. Huether's unadjusted lodestar in this matter
19 is \$4,600 (8 hours x \$575/hour = \$4,600). If Ms. Huether were to charge a rate for this type of work
20 by the hour, given her experience and the focus of her practice, her current hourly rate would be
21 \$575. A \$575 rate is warranted based on Ms. Huether's years of experience in a highly specialized
22 area of law and is in line with the Laffey Matrix.

23 16. Throughout the course of this litigation, Courtney M. Miller estimates she has spent
24 at least 44.5 hours litigating this matter. Accordingly, Ms. Miller's unadjusted lodestar in this matter
25 is \$22,250 (44.5 hours x \$500/hour = \$22,250). If Ms. Miller were to charge a rate for this type of
26 work by the hour, given her experience and the focus of her practice, her current hourly rate would
27 be \$500. A \$500 rate is warranted based on Ms. Miller's years of experience in a highly specialized
28 area of law and is in line with the Laffey Matrix.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 27th day of June 2023, at Beverly Hills California.

Vincent C. Granberry

EXHIBIT 1

COSTS AND FEES ADVANCED BY LAVI & EBRAHIMIAN, LLP

KHESRAWI v. LUXOTTICA

DATE	ITEM	COST
N/A	Copying	\$40.25
N/A	Scanning	\$40.25
N/A	Fax	\$7.50
N/A	Mail	\$50.37
	ALAMEDA SUPERIOR COURT	
09/04/2020	Summons and Complaint Filing Fee (PAGA)	\$435.00
07/09/2021	Other Ex Parte Filing Fee (PAGA)	\$60.00
08/09/2021	Document Retrieval Request Regarding Other Ex Parte Granted (PAGA)	\$3.00
01/12/2022	Filing Joint Stipulation to Stay Discovery Pending Mediation and to Continue Trial and Pretrial Dates; [Proposed] Order; Defendants Initial Fee's (PAGA)	\$435.00
01/14/2022	Document Retrieval Invoice #PR-CT4TEAWRQV3E6VYAX (PAGA)	\$5.50
04/01/2022	Document Retrieval Invoice #PR-NBZ7HWGZENKC45CUX (PAGA)	\$13.00
06/15/2022	Document Retrieval Invoice #PR-IK5UU6YBBBYUKU8Z (PAGA)	\$2.00
06/20/2022	Document Retrieval Invoice #PR-IK5UU6YBBBYUKU8Z (PAGA)	\$2.00
04/10/2023	Document Retrieval Invoice #PR-YWE3OAA3VART5AAPW (PAGA)	\$6.00
	SAN DIEGO SUPERIOR COURT	
09/10/2021	Document Retrieval Complaint (PAGA)	\$20.60
	DDS LEGAL SERVICES	
09/04/2020	Filing of Summons and Complaint (PAGA)	\$148.45
9/21/2020	Process Service of Summons and Complaint on Defendant LUXOTTICA OF AMERICA INC. (PAGA)	\$53.90
09/21/2020	Process Service of Summons and Complaint on Defendant LUXOTTICA RETAIL NORTH AMERICA INC. (PAGA)	\$149.90
09/23/2020	Filing POS of S&C on Def. LUXOTTICA OF AMERICA, INC. (PAGA)	\$104.95
09/24/2020	Filing POS of S&C on Def. LUXOTTICA RETAIL NORTH AMERICA, INC. (PAGA)	\$104.95
12/23/2020	Filing Plaintiff's Case Management Statement (PAGA)	\$124.95
07/09/2021	Filing Proposed order granting P Sara Khesrawi's Request for Dismissal of Defendants; Request for dismissal of Defendant	\$190.95

	(PAGA)	
01/12/2022	Filing Joint Stipulation to Stay Discovery Pending Mediation and to Continue Trial and Pretrial Dates; [Proposed] Order (PAGA)	\$48.00
03/04/2022	Filing Case Management Statement (PAGA)	\$36.90
05/25/2022	Filing Case Management Statement (PAGA)	\$36.90
06/09/2022	Filing Joint Post-Mediation Status Conference (PAGA)	\$36.90
06/16/2022	Filing Plaintiff's Notice of Court Orders (PAGA)	\$36.90
06/20/2022	Filing Plaintiff's Notice of Court Orders from Case Management Conference (PAGA)	\$36.90
02/27/2023	Filing Plaintiff's Notice of Settlement (PAGA)	\$36.90
03/31/2023	Filing Joint Stipulation to Vacate dates Pursuant to Settlement of Action [Proposed] Order (PAGA)	\$57.50
	DEPARTMENT OF INDUSTRIAL RELATIONS	
06/15/2020	Filing Fee (PAGA)	\$75.00
	JAMS	
08/17/2022	Mediation Services Check #16377	\$5,350.00
	Total Costs, fees and expenses	\$7,750.42