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Attorneys for Plaintiffs and the Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA**

CINTHIA MENDOZA and DELISHIA
HYDE, as individuals and on behalf of all
others similarly situated,

Plaintiffs,

vs.

PRIME NOW LLC, a Delaware limited
liability company; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: RG20068286

(Assigned to the Hon. Evelio Grillo, Dept. 21)

**DECLARATION OF LARRY W. LEE IN
SUPPORT OF PLAINTIFFS’ MOTION FOR
FINAL APPROVAL OF CLASS AND
REPRESENTATIVE ACTION
SETTLEMENT**

Date: August 8, 2023

Time: 10:00 A.M.

Dept.: 21

Reservation No.: 138916486157

Complaint Filed: July 21, 2020

FAC Filed: April 5, 2022

SAC Filed: November 4, 2022

Trial Date: None Set

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I, Larry W. Lee, declare as follows:

1. I am an attorney at law, duly licensed to practice before all Courts in the State of California, and am with the law firm Diversity Law Group, counsel of record for Plaintiffs Delishia Hyde, Eugenia Dubose, Clara Trotter, and Araya Turner (together, “Plaintiffs”). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. The Class Action Settlement Agreement and Release (“Settlement Agreement” or “Agreement”) was the product of negotiation between highly able and experienced attorneys on both sides who possessed the relevant data and extensive legal research which they had carefully analyzed.

3. The settlement in the case at bar warrants approval and carries a presumption of fairness. As previously noted in the application for Preliminary Approval, this current settlement was negotiated at arm's length. I support the settlement as fair, reasonable, and adequate, and in the best interest of the Class Members as a whole.

4. I have been approved as class counsel in numerous other wage/hour class actions that have been granted class certification and final approval.

5. My qualifications are as follows: I received my J.D. 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. Upon graduation, 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 500 companies.

6. My firm's primary focus is employment law. I have handled a number of wage and hour matters including class actions and multiple-plaintiff actions. I have a practice that encompasses cases in the Los Angeles County Superior Court, the Orange County Superior Court,

1 Santa Clara Superior Court, Monterey County Superior Court, Sonoma County Superior Court,
2 San Francisco County Superior Court, the San Diego County Superior Court, and the United
3 States District Courts for the Central, Eastern, Southern, and Northern Districts of California.

4 7. To date, I have incurred approximately 179.3 hours in connection with the
5 litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have incurred
6 to date.

7 8. I also anticipate spending an additional 20 hours attending the final approval
8 motion, conferring and reviewing e-mails and other written communications with counsel for
9 Defendant, the Settlement Administrator, and Class Members regarding post final approval
10 matters, including payments and related issues.

11 9. The total lodestar for my hours will be approximately \$159,440.00 based on an
12 hourly rate of \$800.00 per hour (179.3 incurred and anticipated hours x \$800). I was approved at
13 an hourly rate of \$800.00 per hour in *Martinez and Acosta v. City of Hope National Medical*
14 *Center, et al.*, San Bernardino County Superior Court Case No. CIVDS2015729, *Jaime Moen v.*
15 *Genentech, Inc.*, San Diego County Superior Court Case No. 37-2021-00008619-CU-OE-CTL,
16 *Murray v. Granite Wellness Centers et al.*, Nevada County Superior Court Case No. CU20-
17 084680, and *Smith, et al. v. Clean Harbors Environmental Services, Inc.*, Sacramento County
18 Superior Court Case No. 34-2021-00292526. Since at least 2020, I have been approved at an
19 hourly rate of \$750.00 per hour by various Courts. Examples of these Courts include the
20 following cases: *Hernandez v. Wells Fargo Bank*, Santa Clara County Superior Court Case No.
21 16CV299319, *Carrillo v. New Balance Athletics, Inc.*, Santa Clara County Superior Court Case
22 No. 19CV352469; *Ramirez v. Walgreen Co.*, United States District Court, Northern District of
23 California Case No. 18-cv-03921-EJD, *Chavez v. Converse, Inc.*, United States District Court,
24 Northern District of California Case No. 15-cv-03746-NC; *Foster v. Schindler Elevator*
25 *Corporation*, Alameda County Superior Court Case No. RG19029640; *Foaad Hanna v. Equinix,*
26 *LLC*, Santa Clara County Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*,
27 Los Angeles County Superior Court Case No. BC720144; *Mary Della Maggiora v. Watsonville*
28 *Community Hospital*, Santa Cruz County Superior Court Case No. 18CV00191; *Pittman v.*

1 *Martinez Steel Corporation*, San Bernardino County Superior Court Case No.CIVDS1823132;
2 *Michael Randolph v. Pacific Racing Association*, Alameda County Superior Court Case No.
3 RG18908139; *Markham v. Quik Stop Markets, Inc.*, Santa Clara County Superior Court Case
4 No.19CV341582; *Siron v. Raypak, Inc.*, Ventura County Superior Court Case No. 56-2019-
5 005279959-CU-OE-VTA; *Carter v. Kline Services, Inc.*, San Bernardino County Superior Court
6 Case No. CIVDS1828867, and *Prexxie Pascual and Arturo Fonseca v. Satellite Healthcare, Inc.*,
7 Santa Clara County Superior Court Case No. 19CV345211.

8 10. My firm has incurred costs in the amount of \$11,636.82. The costs are all
9 litigation-related costs, including filing fees, messenger fees, deposition transcript fees, and copy
10 costs. Attached hereto as **Exhibit B** is copy of the costs my firm has incurred in connection with
11 prosecution of this lawsuit.

12 11. I do not have any conflicts with the proposed cy pres recipient.

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

15 Executed on this 17th day of July 2023, at Los Angeles, California.

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17 Larry W. Lee
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EXHIBIT A

Mendoza v. Prime Now LLC
Larry W. Lee Time and Task Chart

Hours	Description of Work
12.7	Review client documents and communicate with client pre-filing regarding potential claims
5.9	Legal research into claims; prepare PAGA letter for same
3.2	Review and revise complaint and amended complaints; review and revise stipulation to file same
11.3	Review and research related cases; research potential impact of related cases
2.4	Review and revise joint CMC statements; confer with counsel re same
1.7	Review and revise protective order; confer with counsel re same
16.5	Review and revise written discovery to Defendant; review responses to same; meet and confer re same; review documents produced in response to same
13.8	Review Defendant's discovery requests to Plaintiffs; review and revise responses to same; meet and confer re same; review document production for same
18.4	Review and revise Belaire notice and stipulation re same; confer with counsel re same; confer with class members
15.6	Review and revise PMK depo notice; review and revise depo outline for same; review and prepare exhibits for same; review transcript re same
7.3	Prepare Plaintiff Hyde for deposition; review transcript of same
6.6	Confer with new class representatives re potential claims and replacement as class reps; review documents in connection with same
5.1	Meet and confer with counsel re potential mediation and data needed for mediation; review and revise data request for same
8.9	Review and review mediation brief; review class data for same; review and revise damage analysis for same
9.4	Attend mediation
3.7	Review and revise MOU; confer with counsel re same
8.7	Review and revise long form agreement; confer with counsel re same
4.2	Review and edit Motion for Preliminary Approval
1.1	Review Court's tentative ruling on MPA; confer with counsel re same
7.2	Review and edit supplemental briefs re preliminary approval; review and revise amendments to settlement agreement; confer with counsel re same
7.1	Confer with class members re settlement issues

8.5	Review and edit Motion for final approval and accompanying documents
179.3	TOTAL HOURS

EXHIBIT B

7/10/2023
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DIVERSITY LAW GROUP
Slip Listing

Page 1

Selection Criteria

Slip Classification Open
Client (hand select) Include: Mendoza, Cinthia v. Prime CA
Slip.Transaction Ty 2 - 2

Rate Info - identifies rate source and level

Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
62914	EXP	Olympia	1	75.00	75.00
6/12/2020		Court fees			
WIP		Mendoza, Cinthia v. Prime C			
LWDA					
62916	EXP	Olympia	1	75.00	75.00
6/16/2020		Court fees			
WIP		Mendoza, Cinthia v. Prime C			
LWDA					
63272	EXP	Olympia	3	0.25	0.75
6/30/2020		Photocopies			
WIP		Mendoza, Cinthia v. Prime C			
Photocopies					
63273	EXP	Olympia	1	14.30	14.30
6/30/2020		Postage			
WIP		Mendoza, Cinthia v. Prime C			
Postage					
63381	EXP	Olympia	1	1455.00	1455.00
7/21/2020		Court fees			
WIP		Mendoza, Cinthia v. Prime C			
Alameda Fax Filing - Complaint					
63693	EXP	Olympia	1	7.00	7.00
8/13/2020		Court fees			
WIP		Mendoza, Cinthia v. Prime C			
Alameda Fax Filing - Notice of Hearing					
64010	EXP	Olympia	6	0.25	1.50
8/31/2020		Photocopies			
WIP		Mendoza, Cinthia v. Prime C			
Photocopies					
64011	EXP	Olympia	1	0.65	0.65
8/31/2020		Postage			
WIP		Mendoza, Cinthia v. Prime C			
Postage					

7/10/2023
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DIVERSITY LAW GROUP
Slip Listing

Page 2

Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
63876	EXP	Olympia	1	71.74	71.74
9/3/2020		Atty Service			
WIP		Mendoza, Cinthia v. Prime C			
Attorney Service - Service of Complaint					
64412	EXP	Olympia	1	8.00	8.00
10/13/2020		Court fees			
WIP		Mendoza, Cinthia v. Prime C			
Alameda Fax Filing - Joint CMS					
65015	EXP	Olympia	14	0.25	3.50
10/31/2020		Photocopies			
WIP		Mendoza, Cinthia v. Prime C			
Photocopies					
65016	EXP	Olympia	1	1.30	1.30
10/31/2020		Postage			
WIP		Mendoza, Cinthia v. Prime C			
Postage					
66085	EXP	Olympia	1	6.00	6.00
2/9/2021		Court fees			
WIP		Mendoza, Cinthia v. Prime C			
Alameda Fax Filing - Joint CMS					
66959	EXP	Olympia	1	39.00	39.00
4/14/2021		Court fees			
WIP		Mendoza, Cinthia v. Prime C			
Alameda Fax Filing - Protective Order					
70945	EXP	Linda Lee	1	9.05	9.05
1/5/2022		Court fees			
WIP		Mendoza, Cinthia v. Prime C			
ACE E Filing - CMS					
70855	EXP	Olympia	1	5.31	5.31
1/31/2022		Postage			
WIP		Mendoza, Cinthia v. Prime C			
Postage					
70659	EXP	Olympia	1	1766.10	1766.10
2/9/2022		Transcript/DEP			
WIP		Mendoza, Cinthia v. Prime C			
Steno - Deposition Transcript of Michael Davis					
71170	EXP	Olympia	1	6.13	6.13
2/28/2022		Postage			
WIP		Mendoza, Cinthia v. Prime C			
Postage					

7/10/2023
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DIVERSITY LAW GROUP
Slip Listing

Page 3

Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
71169	EXP	Olympia	3	0.25	0.75
2/28/2022		Photocopies			
WIP		Mendoza, Cinthia v. Prime C			
Photocopies					
71279	EXP	Olympia	1	29.65	29.65
3/30/2022		Court fees			
WIP		Mendoza, Cinthia v. Prime C			
ACE E Filing - Stip and Order for Leave to file FAC					
71330	EXP	Erika Mejia	1	9.05	9.05
4/5/2022		Court fees			
WIP		Mendoza, Cinthia v. Prime C			
ACE E Filing - NOE & FAC					
71319	EXP	Erika Mejia	1	9.05	9.05
4/6/2022		Court fees			
WIP		Mendoza, Cinthia v. Prime C			
ACE E Filing - Joint CMS					
71792	EXP	Olympia	1	7475.00	7475.00
5/13/2022		Arbitrators			
WIP		Mendoza, Cinthia v. Prime C			
JAMS Mediation [tentative]					
71879	EXP	Erika Mejia	1	9.05	9.05
5/23/2022		Court fees			
WIP		Mendoza, Cinthia v. Prime C			
ACE E Filing - Notice of Appearance					
72202	EXP	Erika Mejia	1	9.05	9.05
6/15/2022		Court fees			
WIP		Mendoza, Cinthia v. Prime C			
ACE E Filing - NOE Dismissal					
73462	EXP	Olympia	1	65.61	65.61
9/7/2022		Delivery serv			
WIP		Mendoza, Cinthia v. Prime C			
Federal Express					
73434	EXP	Erika Mejia	1	37.45	37.45
10/28/2022		Court fees			
WIP		Mendoza, Cinthia v. Prime C			
ACE E Filing - Joint Stip to file SAC					
73490	EXP	Erika Mejia	1	16.85	16.85
11/4/2022		Court fees			
WIP		Mendoza, Cinthia v. Prime C			
ACE E Filing - NOE					

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DIVERSITY LAW GROUP
Slip Listing

Page 4

Slip ID Dates and Time Posting Status Description	Timekeeper Activity Client Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
73634 EXP 11/28/2022 WIP ACE E Filing - MPA	Erika Mejia Court fees Mendoza, Cinthia v. Prime C	1	78.65	78.65
74070 EXP 12/20/2022 WIP Federal Express	Olympia Delivery serv Mendoza, Cinthia v. Prime C	1	58.13	58.13
74516 EXP 2/28/2023 WIP ACE E Filing - Supp Brief iso MPA	Erika Mejia Court fees Mendoza, Cinthia v. Prime C	1	17.85	17.85
74614 EXP 3/8/2023 WIP MFA Reservation	Olympia Online researc Mendoza, Cinthia v. Prime C	2	1.00	2.00
74616 EXP 3/8/2023 WIP Online MPA Order	Olympia Online researc Mendoza, Cinthia v. Prime C	1	5.50	5.50
74617 EXP 3/9/2023 WIP ACE E Filing - NOE	Olympia Court fees Mendoza, Cinthia v. Prime C	1	17.85	17.85
75604 EXP 7/7/2023 WIP MFA Filing Fees	Olympia Court fees Mendoza, Cinthia v. Prime C	1	250.00	250.00
Grand Total	Billable Unbillable Total	0.00 0.00 0.00		11636.82 0.00 11636.82