

**Electronically Filed
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Case #20CV368771
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Attorneys for Plaintiff, the Class, and Aggrieved Employees

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA**

JON BETTERTON, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

ACCENTURE FLEX, LLC, a Delaware limited
liability company; and DOES 1 through 50,
inclusive,

Defendants.

Case No. 20CV368771

(Assigned to the Honorable Sunil R. Kulkarni,
Department 1)

**DECLARATION OF LARRY W. LEE IN
SUPPORT OF PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: December 16, 2021
Time: 1:30 pm
Dept.: 1

Complaint Filed: July 29, 2020
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 Named Plaintiff Jon Betterton (“Plaintiff”). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. The proposed settlement meets the criteria for this Court to grant final approval of this matter on a class-wide basis, as the settlement is fair, adequate, and reasonable.

3. The Joint Stipulation of Class Action Settlement and Release of Claims (“Settlement Agreement”) was the product of arm’s length negotiations between highly able and experienced attorneys on both sides who possessed the relevant data and extensive legal research which they had carefully analyzed. Plaintiff’s Counsel engaged in extensive factual investigation before settling. The Parties also participated in a full day of mediation with a highly experienced and well-known mediator, Joel Grossman, Esq.

4. In connection with mediation, the Parties also conducted informal discovery and significant exchanges of information before mediation regarding class data for the entire class, including the number of class members, the number of pay periods at issue, the hourly rates of pay for class members, as well as policy documents and information pertaining to Defendant's policies and practices regarding payment of sick pay wages and the issuance of wage statements. The exchange of informal discovery allowed Plaintiff's Counsel to analyze liability and exposure.

5. I have spent significant time researching and pursuing the claims that have been alleged in this action. Based on my independent investigations and evaluations, I am of the opinion that the proposed settlement is fair, reasonable, and adequate, and is in the best interests of the Class Members, in light of all known facts and circumstances, and the expenses and risks inherent in litigation. The settlement was negotiated at arm's length and was facilitated by an experienced and neutral mediator. Thus, this settlement should be granted final approval.

6. Any remaining monies from uncashed settlement checks will be redistributed

1 among Participating shall be redistributed among the Participating Class Members who cashed
2 their Individual Settlement Payments checks during the first distribution. After 90 days of
3 mailing, any unclaimed, undeliverable, or expired funds shall be deposited with the State of
4 California Unclaimed Property Fund in the name of the Class Member who received the
5 redistribution.

6 7. My qualifications are as follows: I received my J.D. from Arizona State
7 University College of Law in 2003. During law school, I was a summer associate at the law firm
8 of Brobeck, Phleger & Harrison. I graduated cum laude from Arizona State University College
9 of Law in the top 10% of my class. While I was in law school, I was the Associate Managing
10 Editor of the Arizona State University College of Law, Law Journal. Upon graduation, I
11 practiced law as an associate at the Los Angeles County offices of Ogletree Deakins Nash
12 Smoak & Stewart, P.C., a national employment defense law firm that represents a significant
13 number of Fortune 500 companies.

14 8. My firm's primary focus is employment law. I have handled a number of wage
15 and hour matters including class actions and multiple-plaintiff actions. I have a practice that
16 encompasses cases in the Los Angeles Superior Court, the Orange County Superior Court, Santa
17 Clara Superior Court, Monterey Superior Court, Sonoma Superior Court, San Francisco County
18 Superior Court, the San Diego County Superior Court, and the United States District Courts for
19 the Central, Eastern, Southern, and Northern Districts of California.

20 9. I have been approved as Class Counsel in a number of class actions, including but
21 not limited to *Chan-Lanier v. Citibank* (Case No. CGC-050445143); *Hernandez v. CVS*
22 *Pharmacy, Inc.* (Judicial Council Coordination Proceeding No. 4539), *Tse v. Best Buy Co, Inc.*
23 (Case Number BC 393717), *Orgeta v. AIG, Inc* (Case Number CV 06—196-RSWL (PJWx)),
24 and *Castro v. UPS Freight, Inc.* (Case Number CV 08-4898 ODW (CWx)) and by this Court in
25 *Chavez v. PVH* (Case No. C 13-01797 LHK).

26 10. In addition, I was certified as class counsel by the United States District Court,
27 Central District of California in the cases *Abdullah v. U.S. Security* (Case Number CV 09-09554
28 GHK), *Avilez v. Pinkerton Government Services, Inc.* (Case Number SACV 11-0493-DOC),

1 *Dynabursky v. Allied Barton Security Services* (Case Number SACV 12-02210 JST); and *Pace v.*
2 *Petsmart, Inc.* (Case Number SACV 13-500-DOC); by the Northern District of California in the
3 cases of *Harris v. Vector Marketing Corp.*, (Case Number CV 08 5198 EMC), and *Lemus et al.*
4 *v. H&R Block Enterprises, LLC* (Case Number CV-09-03179-SI); and by the Superior Court of
5 California, Orange County in the cases of *De la Cruz v. Abercrombie & Fitch Co. et al.* (Case
6 Number 30-2007-00036240) and *Wu v. General Nutrition Corporation* (Case Number 30-2012-
7 00593759), all as part of the Courts' orders granting class certification pursuant to Rule 23 of the
8 FRCP and California Code of Civil Procedure § 382. I served as lead counsel on these cases.

9 11. To date, I have incurred approximately 136.9 hours in connection with the
10 litigation of this lawsuit. Attached hereto as **Exhibit A** is a chart summarizing the amount of
11 work I have incurred to date on this matter.

12 12. In addition to the hours above, I also anticipate spending an additional 15 hours
13 through the completion of this case including conferring and reviewing e-mails and other written
14 communications with counsel for Defendant, the Settlement Administrator, and Class Members
15 regarding any post-final approval matters, including payments and related issues.

16 13. Thus, I anticipate the total amount of my fees incurred in this case to be
17 approximately \$113,925.00, based on an hourly rate of \$750.00 per hour. Since at least 2018, I
18 have been approved at an hourly rate of \$700.00 per hour by various Courts, in a number of
19 matters, including *Stafford v. Brinks, et al.*, Los Angeles County Superior Court Case No.
20 BC532260; *Chavez v. Kenneth Cole Productions, Inc.*, Santa Clara Superior Court Case No.
21 17CV306407; *Chavez v. Adidas*, U.S. District Court for the Northern District of California Case
22 No. 5:16-cv-06533-LHK; *Mankin v. Taste Catering*, San Mateo Superior Court Case No. 17-
23 CIV-03497; *Ricardo Macias v. SASCO*, Santa Clara County Superior Court Case No.
24 16CV304263; *Valles v. Community Hospital of the Monterey Peninsula*, Monterey Superior
25 Court Case No. 17CV003452; *Diaz v. WeDriveU*, Santa Clara Superior Court Case No.
26 17CV306547; *Sanchez v. American Para Professional Systems, Inc.*, Santa Clara County
27 Superior Court Case No. 17CV306751; *Hernandez v Pei Wei*, United States District Court,
28 Central District of California Case No. 8:17-cv-00679-JLS-JCG; *Song v. THC-Orange County*,

1 Inc., U.S. District Court for the Central District of California Case No. 8:17-cv00965-JLS-
2 DFMx; *Perez v. Standard Drywall, Inc.*, Alameda County Superior Court Case No.
3 RG15761142; *Huertas v. Chevron Stations*, Santa Clara Superior Court Case No. 17CV309996;
4 and *In re DirecTv Wage and Hour Cases*, JCCP Case No. 4850. As of 2020, I increased my
5 hourly rate to \$750.00 per hour. I have been approved at \$750.00 per hour by various courts,
6 including: *Hernandez v. Wells Fargo Bank*, Santa Clara County Superior Court Case No.
7 16CV299319, *Carrillo v. New Balance Athletics, Inc.*, Santa Clara County Superior Court Case
8 No. 19CV352469; *Ramirez v. Walgreen Co.*, United States District Court, Northern District of
9 California Case No. 18-cv-03921-EJD, *Chavez v. Converse, Inc.*, United States District Court,
10 Northern District of California Case No. 15-cv-03746-NC; *Foster v. Schindler Elevator*
11 *Corporation*, Alameda County Superior Court Case No. RG19029640; *Foaad Hanna v. Equinix,*
12 *LLC*, Santa Clara County Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*,
13 Los Angeles County Superior Court Case No. BC720144; *Mary Della Maggiora v. Watsonville*
14 *Community Hospital*, Santa Cruz County Superior Court Case No. 18CV00191; *Pittman v.*
15 *Martinez Steel Corporation*, San Bernardino County Superior Court Case No. CIVDS1823132;
16 *Michael Randolph v. Pacific Racing Association*, Alameda County Superior Court Case No.
17 RG18908139; *Markham v. Quik Stop Markets, Inc.*, Santa Clara Superior Court Case
18 No. 19CV341582; *Siron v. Raypak, Inc.*, Ventura Superior Court Case No. 56-2019-005279959-
19 CU-OE-VTA; *Carter v. Kline Services, Inc.*, San Bernardino Superior Court Case No.
20 CIVDS1828867, and *Prexxie Pascual and Arturo Fonseca v. Satellite Healthcare, Inc.*, Santa
21 Clara Superior Court Case No. 19CV345211.

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

24 Executed on this 22nd day of November, 2021, at Los Angeles, California.

25
26 
27 _____
28 Larry W. Lee

EXHIBIT A

**Betterton v. Accenture Flex
Larry W. Lee Time and Task Chart**

Hours	Description of Work
10.3	Review client documents; confer with co counsel re theories of case; research potential causes of action and viability of same
5.1	Review and revise complaint and PAGA letters
1.1	Review initial court notices and complex guidelines
2.7	Confer with counsel re CMC and case issues; review and revise joint statements
5.4	Research prior wage/hour lawsuits against Defendant
13.1	Review Defendant's arbitration agreement; research issues re enforceability of same; confer with counsel re same
2.3	Review Defendant's 170.6 challenge; research validity of same
8.7	Review and revise draft of written discovery requests
.6	Review judicial self-recusal
2.6	Conferences with counsel re mediation data and scheduling; review and revise stipulation re same
15.8	Review payroll data produced by Defendant; review and revise class damages re same
13.7	Review and revise mediation brief; legal research re same
8.5	Attend mediation
3.3	Review and revise MOU; confer with counsel re same
10.6	Review and revise long form settlement documents; conferences with opposing counsel re same
8.3	Review and revise Motion for Preliminary Approval and supporting documents
.4	Review court tentative re prelim approval motion
10.1	Confer with class members re settlement issues
4.3	Review and revise Motion for Final Approval and supporting documents
136.9	TOTAL HOURS