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Attorneys for Plaintiff Acosta

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN BERNARDINO

EVELYN MARTINEZ and SANDY ACOSTA, as
individuals and on behalf of all others similarly
situated, and as private attorneys general,

Plaintiffs,

vs.

CITY OF HOPE NATIONAL MEDICAL CENTER,
a California corporation; CITY OF HOPE, a
California corporation; CITY OF HOPE MEDICAL
FOUNDATION, a California corporation; and DOES
1 through 50, inclusive,

Defendants.

Case No. CIVDS2015729

[Hon. David Cohn, Department S26]

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

Date: December 5, 2022
Time: 10:00 a.m.
Department: S26

Complaint Filed: August 4, 2020
FAC Filed: September 28, 2021
SAC Filed: April 7, 2022

1 I, Larry W. Lee, declare as follows:

2 1. I am an attorney admitted to practice in the State of California and, with the law firm
3 Diversity Law Group, P.C., am counsel of record for Plaintiff, Evelyn Martinez. I make this declaration
4 on the basis of my own personal knowledge, except as to those matters stated on information and belief
5 and, as to those matters, I believe them to be true. If called as a witness, I could testify competently as to
6 the facts stated in this declaration.

7 2. The Notice of Class Action Settlement (“Class Notice”) provided Class Members with
8 my office’s contact information, where they could further seek information regarding the class
9 settlement, leave questions for the Settlement Administrator, and update their address.

10 3. There were no objections to the amount of attorneys’ fees or litigation costs that Class
11 Counsel seek in this case and for which Plaintiff asks the Court for final approval.

12 4. Class Counsel engaged in extensive factual investigation before settling, including the
13 exchange of formal and informal discovery and reviewing class data. This allowed Plaintiff to conduct a
14 full damage analysis. The Stipulation of Class Action and PAGA Settlement (“Agreement”) was the
15 product of negotiation between highly able and experienced attorneys on both sides who possessed the
16 relevant data and extensive legal research which they had carefully analyzed.

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

21 6. My firm has a great deal of experience in wage and hour class action litigation and has
22 been approved as class counsel in a number of class actions.

23 7. I am one of the primary attorneys on this matter. My qualifications are as follows: I
24 received my J.D. from Arizona State University College of Law in 2003. During law school, I was a
25 summer associate at the law firm of Brobeck, Phleger & Harrison. I graduated cum laude from Arizona
26 State University College of Law in the top 10% of my class. While I was in law school, I was the
27 Associate Managing Editor of the Arizona State University College of Law, Law Journal. Upon
28 graduation, I practiced law as an associate at the Los Angeles County offices of Ogletree Deakins Nash

1 Smoak & Stewart, P.C., a national employment defense law firm that represents a significant number of
2 Fortune 500 companies, including wage and hour class actions.

3 8. My firm's primary focus is employment law. I have handled a number of wage and hour
4 matters including class actions and individual actions, on both plaintiff and defense sides. I have a
5 practice that encompasses cases throughout the State of California, including but not limited to the Los
6 Angeles Superior Courts, the Orange County Superior Courts, the San Francisco County Superior
7 Courts, the San Diego County Superior Courts, and the United States District Courts for the Central,
8 Eastern, Northern, and Southern Districts of California. I have been named as Class Counsel in a
9 number of class actions that have been granted final approval by the Superior Courts of Los Angeles
10 County, Orange County, San Francisco County, Alameda County, Contra Costa County, Monterey
11 County, San Bernardino County, Santa Clara County, Sonoma County, and the United States District
12 Court for the Central, Eastern, and Northern Districts of California.

13 9. My firm has incurred costs in the amount of \$20,965.68. The costs are all litigation
14 related costs, including filing fees and mediation fees. Attached hereto as **Exhibit A** is copy of the costs
15 my firm has incurred in connection with prosecution of this lawsuit. Pursuant to the Agreement, Class
16 Counsel is only requesting reimbursement of \$20,965.68 in litigation costs.

17 10. To date, I have incurred approximately 225.8 hours in the prosecution of this matter, with
18 an hourly rate of \$800.00 per hour. I anticipate spending an additional 20.0 hours through final approval
19 and post-approval, including conferring with class members, defense counsel, and the administrator, as
20 well as appearing for the hearing of the Motion for Final Approval. The total lodestar for my hours will
21 be approximately \$196,640.00. Attached as **Exhibit B** is a summary of my hours and tasks on this
22 matter. Since at least 2020, I have been approved at an hourly rate of \$750.00 per hour by various
23 Courts, including this Court. Examples of these Courts include the following cases: *Hernandez v. Wells*
24 *Fargo Bank*, Santa Clara County Superior Court Case No. 16CV299319, *Carrillo v. New Balance*
25 *Athletics, Inc.*, Santa Clara County Superior Court Case No. 19CV352469; *Ramirez v. Walgreen Co.*,
26 United States District Court, Northern District of California Case No. 18-cv-03921-EJD, *Chavez v.*
27 *Converse, Inc.*, United States District Court, Northern District of California Case No. 15-cv-03746-NC;
28 *Foster v. Schindler Elevator Corporation*, Alameda County Superior Court Case No. RG19029640;

1 *Foaad Hanna v. Equinix, LLC*, Santa Clara County Superior Court Case No. 18CV339365; *Alicia*
2 *Harris v. 24 Seven LLC*, Los Angeles County Superior Court Case No. BC720144; *Mary Della*
3 *Maggiore v. Watsonville Community Hospital*, Santa Cruz County Superior Court Case No.
4 18CV00191; *Pittman v. Martinez Steel Corporation*, San Bernardino County Superior Court Case
5 No.CIVDS1823132; *Michael Randolph v. Pacific Racing Association*, Alameda County Superior Court
6 Case No. RG18908139; *Markham v. Quik Stop Markets, Inc.*, Santa Clara Superior Court Case
7 No.19CV341582; *Siron v. Raypak, Inc.*, Ventura Superior Court Case No. 56-2019-005279959-CU-OE-
8 VTA; *Carter v. Kline Services, Inc.*, San Bernardino Superior Court Case No. CIVDS1828867, and
9 *Prexxie Pascual and Arturo Fonseca v. Satellite Healthcare, Inc.*, Santa Clara Superior Court Case No.
10 19CV345211.

11 11. Pursuant to the Agreement, any remaining monies from uncashed settlement checks will
12 be distributed to a *cy pres* recipient, California Rural Legal Assistance, in accordance with Code of Civil
13 Procedure section 384. I do not have any relationship with or connection to said organization.

14 12. Plaintiff has uploaded the Order Granting Plaintiff's Motion for Preliminary Approval of
15 Class Action Settlement to the Labor and Workforce Development Agency's website. Concurrent with
16 the filing of this Motion, Plaintiff also will provide notice to the Labor and Workforce Development
17 Agency.

18 I declare under penalty of perjury under the laws of the State of California that the foregoing is
19 true and correct. Executed this 8th day of November 2022, at Los Angeles, California.

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21 _____
Larry W. Lee
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EXHIBIT A

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DIVERSITY LAW GROUP
Slip Listing

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Selection Criteria

Slip.Classification Open
Client (hand select) Include: Martinez, Evelyn v. City
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		
63206	EXP	Olympia	1	75.00	75.00
7/14/2020		Court fees			
WIP		Martinez, Evelyn v. City			
LWDA					
63587	EXP	Olympia	2	0.25	0.50
7/31/2020		Photocopies			
WIP		Martinez, Evelyn v. City			
Photocopies					
63588	EXP	Olympia	1	7.40	7.40
7/31/2020		Postage			
WIP		Martinez, Evelyn v. City			
Postage					
63877	EXP	Olympia	1	1657.06	1657.06
9/3/2020		Atty Service			
WIP		Martinez, Evelyn v. City			
Attorney Service - Complaint					
64340	EXP	Olympia	1	78.06	78.06
9/11/2020		Atty Service			
WIP		Martinez, Evelyn v. City			
Attorney Service - Notice of ISC					
64345	EXP	Olympia	1	64.70	64.70
9/14/2020		Atty Service			
WIP		Martinez, Evelyn v. City			
Attorney Service - Notice & Acknowledgment of Receipt/POS of Summons					
64358	EXP	Olympia	1	77.06	77.06
9/18/2020		Atty Service			
WIP		Martinez, Evelyn v. City			
Attorney Service - Notice of Cont of ISC					

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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		
64550	EXP	Olympia	1	1.90	1.90
9/30/2020		Postage			
WIP		Martinez, Evelyn v. City			
Postage					
64549	EXP	Olympia	26	0.25	6.50
9/30/2020		Photocopies			
WIP		Martinez, Evelyn v. City			
Photocopies					
65281	EXP	Olympia	1	7000.00	7000.00
12/17/2020		Arbitrators			
WIP		Martinez, Evelyn v. City			
Jeffrey Ross Mediation					
65540	EXP	Simon Yang	1	94.00	94.00
1/5/2021		Court fees			
WIP		Martinez, Evelyn v. City			
[No description]					
65987	EXP	Olympia	1	77.06	77.06
1/20/2021		Atty Service			
WIP		Martinez, Evelyn v. City			
Attorney Service - Initial Trial Setting					
Conference Statement					
66208	EXP	Olympia	2	0.25	0.50
1/31/2021		Photocopies			
WIP		Martinez, Evelyn v. City			
Photocopies					
66209	EXP	Olympia	1	0.50	0.50
1/31/2021		Postage			
WIP		Martinez, Evelyn v. City			
Postage					
68321	EXP	Olympia	1	77.06	77.06
7/1/2021		Atty Service			
WIP		Martinez, Evelyn v. City			
Attorney Service - Joint Status Report					
68488	EXP	Olympia	1	6.96	6.96
7/31/2021		Postage			
WIP		Martinez, Evelyn v. City			
Postage					
69137	EXP	Erika Mejia	1	77.06	77.06
9/8/2021		Atty Service			
WIP		Martinez, Evelyn v. City			
Attorney Service - Notice of Related Case					

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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
69170 EXP 9/24/2021 WIP Attorney Service - Joint Stip for FAC	Olympia Atty Service Martinez, Evelyn v. City	1	122.31	122.31
69776 EXP 9/30/2021 WIP Meal	Larry W. Lee Meals Martinez, Evelyn v. City	1	23.27	23.27
69564 EXP 10/1/2021 WIP Attorney Service - NOE	Olympia Atty Service Martinez, Evelyn v. City	1	65.70	65.70
69323 EXP 10/14/2021 WIP Litigation Services - Deposition Transcript of PMK	Olympia Transcript/DEP Martinez, Evelyn v. City	1	1637.25	1637.25
69465 EXP 10/25/2021 WIP ACE E Filing - Ex Parte	Olympia Court fees Martinez, Evelyn v. City	1	73.87	73.87
69496 EXP 10/28/2021 WIP ACE E Filing - Notice of Ruling	Olympia Court fees Martinez, Evelyn v. City	1	12.07	12.07
70129 EXP 12/17/2021 WIP Paul Hastings Mediation	Olympia Arbitrators Martinez, Evelyn v. City	1	7500.00	7500.00
70553 EXP 1/4/2022 WIP Attorney Service - Joint Status Report	Linda Lee Atty Service Martinez, Evelyn v. City	1	82.71	82.71
70574 EXP 1/7/2022 WIP Attorney Service - Chamber Copy	Linda Lee Atty Service Martinez, Evelyn v. City	1	77.94	77.94
70331 EXP 1/10/2022 WIP Courtcall	Simon Yang Court fees Martinez, Evelyn v. City	1	94.00	94.00

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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		
71013	EXP	Olympia	1	92.02	92.02
2/4/2022		Atty Service			
WIP		Martinez, Evelyn v. City			
Attorney Service - Notice of Settlement					
71583	EXP	Olympia	1	38.71	38.71
2/9/2022		Delivery serv			
WIP		Martinez, Evelyn v. City			
Federal Express					
71372	EXP	Linda Lee	1	82.71	82.71
3/14/2022		Atty Service			
WIP		Martinez, Evelyn v. City			
Attorney Service - NOE					
71664	EXP	Erika Mejia	1	120.49	120.49
4/7/2022		Atty Service			
WIP		Martinez, Evelyn v. City			
Attorney Service - SAC					
71667	EXP	Erika Mejia	1	266.46	266.46
4/8/2022		Atty Service			
WIP		Martinez, Evelyn v. City			
Attorney Service - Motion					
71429	EXP	Simon Yang	1	94.00	94.00
4/12/2022		Court fees			
WIP		Martinez, Evelyn v. City			
Courtcall					
72132	EXP	Erika Mejia	1	83.21	83.21
5/3/2022		Atty Service			
WIP		Martinez, Evelyn v. City			
Attorney Service - Oppo to Mtn for Leave to Intervene					
71647	EXP	Simon Yang	1	94.00	94.00
5/4/2022		Court fees			
WIP		Martinez, Evelyn v. City			
Courtcall					
72220	EXP	Olympia	1	3.00	3.00
6/21/2022		Online researc			
WIP		Martinez, Evelyn v. City			
SB Superior Court - Online MPA Order					
72235	EXP	Simon Yang	1	94.00	94.00
6/21/2022		Court fees			
WIP		Martinez, Evelyn v. City			
Courtcall					

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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		
72408	EXP	Erika Mejia	1	184.49	184.49
6/22/2022		Atty Service			
WIP		Martinez, Evelyn v. City			
Attorney Service - Oppo to Mtn to Intervene					
72323	EXP	Olympia	1	39.35	39.35
6/23/2022		Delivery serv			
WIP		Martinez, Evelyn v. City			
Federal Express					
72324	EXP	Olympia	1	39.35	39.35
6/23/2022		Delivery serv			
WIP		Martinez, Evelyn v. City			
Federal Express					
72325	EXP	Olympia	1	39.35	39.35
6/23/2022		Delivery serv			
WIP		Martinez, Evelyn v. City			
[No description]					
72326	EXP	Olympia	1	31.40	31.40
6/23/2022		Delivery serv			
WIP		Martinez, Evelyn v. City			
[No description]					
72327	EXP	Olympia	1	39.35	39.35
6/23/2022		Delivery serv			
WIP		Martinez, Evelyn v. City			
Federal Express					
72328	EXP	Olympia	1	39.35	39.35
6/23/2022		Delivery serv			
WIP		Martinez, Evelyn v. City			
Federal Express					
72354	EXP	Simon Yang	1	94.00	94.00
7/6/2022		Court fees			
WIP		Martinez, Evelyn v. City			
Courtcall					
70658	EXP	Olympia	1	500.00	500.00
11/7/2022		Other expenses			
WIP		Martinez, Evelyn v. City			
Filing and Service Costs					
Grand Total					
Billable			0.00		20965.68

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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		
	Unbillable	0.00		0.00
	Total	0.00		20965.68

EXHIBIT B

Martinez v City of Hope
Time and Task Chart for Larry W. Lee

Hours	Description of Work
5.1	Review client documents and employer background; prepare PAGA letter and supplemental PAGA letter
1.3	Review and revise initial complaint
2.9	Review initial court orders; meet and confer with defense counsel re cmc; prepare join statement re same
12.2	Review and revise initial set of written discovery to defendant; review responses to same; review defendant's production of documents; meet and confer re same
2.4	Review and revise PMK depo notice; meet and confer with counsel re same
8.8	Review defendant's written discovery to plaintiff; review and revise responses to same; prepare Plaintiff's document production to same
4.3	Review documents re addition of Ferra claim; review and revise FAC; meet and confer re same; draft stip re same
1.1	Review and revise 2nd set of written discovery to defendant
18.4	Confer with opposing counsel re 1 st mediation; review class data for same; review and revise mediation brief for same; attend mediation
20.3	Review notices of related cases; research pending related cases against Defendant; meet and confer with various counsel re same
21.2	Prepare PMK depo outline and exhibits for same; take PMK deposition; review transcript and summarize same
10.6	Prepare plaintiff for deposition; meet and confer with counsel re same
20.5	Review and revise intervention ex parte application into Acosta case; review opposition to same; prepare argument outline for same; attend argument re same
4.6	Review and revise Motion to Intervene
23.8	Confer with counsel for all parties re global mediation; review class data for same; review and revise mediation brief for same; attend global mediation
14.1	Post-mediation discussions with all parties re settlement issues
8.3	Review and revise MOU; confer with counsel re same
6.4	Review and revise long form settlement agreement; confer with counsel re same
1.2	Review and revise second amended complaint
25.6	Review proposed intervenors request for intervention and ex parte re same; review and revise opposition to same; prepare exhibits for same; review reply

	briefs re same; prepare argument outline for same; review court order re same
4.1	Review and revise Motion for Preliminary Approval and supporting documents thereto
4.8	Confer with class members re settlement issues
3.8	Review and revise motion for final approval
225.8	TOTAL HOURS