

Larry W. Lee (State Bar No. 228175)
Max W. Gavron (State Bar No. 291697)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa Street, Suite 1250
Los Angeles, CA 90071
(213) 488-6555 telephone
(213) 488-6554 facsimile
lwlee@diversitylaw.com
mgavron@diversitylaw.com

Attorneys for Plaintiffs,
TERRANCE LOVETT, ROBERT PARSONS
and JAVIER CUEVAS MAGANA, on behalf
of themselves all others similarly situated

(Additional Counsel Listed on Following Page)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

MARK BUFORD, RICHARD LIVELY,
ALBERT JOHNSON, RAUL MARTINEZ,
ROBERT PARSONS, JAVIER C. MAGANA,
AND TERRANCE LOVETT individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

ESTENSON LOGISTICS, LLC, a Delaware
Limited Liability Company; HUB GROUP
TRUCKING, INC., a Delaware Corporation;
HUB GROUP, INC., doing business in
California as CALIFORNIA HUB GROUP;
HUB GROUP DEDICATED, LLC, a Delaware
Limited Liability Company; and DOES 1
through 50, inclusive,

Defendants.

CASE NO.: CIVSB2133332

[Assigned for all purposes to the Hon. Joseph
T. Ortiz, Dept. S-17]

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

Date: August 20, 2024

Time: 1:30 p.m.

Dept.: S-17

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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 Jeffrey Lovett, Robert Parsons, and Javier Cuevas Magana (“Plaintiffs”). I have personal knowledge of the facts set forth below and if called to testify I could and would do so truthfully.

2. The Joint Stipulation for Class Action Settlement and Amendment to Joint Stipulation for Class Action Settlement (“Settlement Agreement”) were the product of negotiations between highly able and experienced attorneys on both sides who possessed the relevant data and extensive legal research which they had carefully analyzed. Class Counsel conducted extensive factual investigation before settling, including reviewing class data provided by Defendants relating to the number of putative class members, average hourly rate of Class Counsel and other information. This allowed Plaintiffs to conduct a full damage analysis. I support the Settlement as fair, reasonable, and adequate, and in the best interest of the Class.

3. I am one of the primary attorneys on this matter. 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 the law firm of Deakins Nash Smoak & Stewart, P.C., a national employment defense law firm that represents a significant number of Fortune 500 companies.

4. 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 handles cases in the Los Angeles Superior Courts, the Orange County Superior Courts, the San Francisco County Superior Courts, the San Diego County Superior Courts, and the United States District Courts for the Central, Eastern, Northern, and Southern Districts of California.

1 5. I have been named as class counsel in a number of class actions that have been
2 granted final approval by the Superior Courts of Los Angeles County, Orange County, San
3 Francisco County, Alameda County, Contra Costa County, Monterey County, San Bernardino
4 County, Santa Clara County, Sonoma County, and the United States District Court for the
5 Central, Eastern, and Northern Districts of California, including but not limited to the following
6 class actions: *Chan Lanier v. Citigroup, Inc. et al.*, San Francisco Superior Court Case No. CGC-
7 05-445143; *Naqvi v. Acoustic Home Loans et al.*, Orange County Superior Court Case No.
8 05CC00263; *Ortega v. AIG*, Central District of California Case No. CV 06-0196-RSWL (PJWx);
9 *Universal Protection Overtime Cases*, Orange County Superior Court, Judicial Council
10 Coordination Proceeding No. 4480; *Tse v. Best Buy*, Los Angeles Superior Court Case No.
11 BC392717; *Hernandez v. CVS Corp. et al.*, Judicial Council Coordination Proceeding No. 4539;
12 *Padilla v. Safeway*, San Benito County Superior Court Case No. CU-16-00182; *Valles v.*
13 *Community Hospital of the Monterey Peninsula*, Monterey County Superior Court Case No.
14 17CV003452; *DirecTv Wage and Hour Cases*, Santa Clara Superior Court Judicial Council
15 Coordination Proceeding No. 4850; *Perez v. Standard Drywall, Inc.*, Alameda County Superior
16 Court Case No. RG15761142; and *Davis v. Nugget Market, Inc.*, Yolo County Superior Court
17 Case No. CV-18-558.

18 6. To date, I have incurred approximately 235.2 hours in connection with the
19 litigation of this lawsuit. Attached hereto as **Exhibit A** is a chart summarizing the amount of
20 work I have incurred to date on this matter.

21 7. In addition to the hours above, I also anticipate spending an additional 5 hours
22 through the completion of this case including conferring and reviewing e-mails and other written
23 communications with counsel for Defendants, the Settlement Administrator, and Class Members
24 regarding any post-final approval matters, including payments and related issues.

25 8. Thus, I anticipate the total amount of my fees incurred in this case to be
26 approximately \$204,170.00, based on an hourly rate of \$850.00 per hour (240.2 hours x
27 \$850.00). Since at least 2020, I have been approved at an hourly rate of \$750.00 per hour by
28 various courts. Examples of these courts include the following cases: *Hernandez v. Wells Fargo*

1 *Bank*, Santa Clara County Superior Court Case No. 16CV299319; *Carrillo v. New Balance*
2 *Athletics, Inc.*, Santa Clara County Superior Court Case No. 19CV352469; *Ramirez v. Walgreen*
3 *Co.*, United States District Court, Northern District of California Case No. 18-cv-03921-EJD;
4 *Chavez v. Converse, Inc.*, United States District Court, Northern District of California Case No.
5 15-cv-03746-NC; *Foster v. Schindler Elevator Corporation*, Alameda County Superior Court
6 Case No. RG19029640; *Foad Hanna v. Equinix, LLC*, Santa Clara County Superior Court Case
7 No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles County Superior Court Case No.
8 BC720144; *Mary Della Maggiora v. Watsonville Community Hospital*, Santa Cruz County
9 Superior Court Case No. 18CV00191; *Pittman v. Martinez Steel Corporation*, San Bernardino
10 County Superior Court Case No. CIVDS1823132; *Michael Randolph v. Pacific Racing*
11 *Association*, Alameda County Superior Court Case No. RG18908139; *Markham v. Quik Stop*
12 *Markets, Inc.*, Santa Clara County Superior Court Case No. 19CV341582; *Siron v. Raypak, Inc.*,
13 Ventura County Superior Court Case No. 56-2019-005279959-CU-OE-VTA; *Carter v. Kline*
14 *Services, Inc.*, San Bernardino County Superior Court Case No. CIVDS1828867; and *Prexxie*
15 *Pascual and Arturo Fonseca v. Satellite Healthcare, Inc.*, Santa Clara County Superior Court
16 Case No. 19CV345211.

17 9. I was approved at an hourly rate of \$800.00 per hour in *Martinez and Acosta v.*
18 *City of Hope National Medical Center, et al.*, San Bernardino County Superior Court Case No.
19 CIVDS2015729; *Jaime Moen v. Genentech, Inc.*, San Diego County Superior Court Case No.
20 37-2021-00008619-CU-OE-CTL; *Murray v. Granite Wellness Centers et al.*, Nevada County
21 Superior Court Case No. CU20-084680; *Smith, et al. v. Clean Harbors Environmental Services,*
22 *Inc.*, Sacramento County Superior Court Case No. 34-2021-00292526; *Correa et al. v. FedEx*
23 *Supply Chain, Inc.*, San Bernardino County Superior Court Case No. CIVDS2023369; *Meguro v.*
24 *Silicon Valley Bank*, Santa Clara County Superior Court Case No. 20CV369854; and *Linaki v.*
25 *Genji Pacific, LLC*, Alameda County Superior Court Case No. RG20074795.

26 10. I recently raised my rate to \$850.00 and have approved at an hourly rate of
27 \$850.00 per hour in *Stephenson v. Healthcare Services, Inc.*, Orange County Superior Court
28 Case No. 30-2019-01078609-CU-OE-CXC; *Lakey v. Poshmark, Inc.*, Santa Clara Superior

1 Court, Case No. 22CV395084; and *Audycki v. Stanford Health Care*, Santa Clara Case No.
2 19CV347173.

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

5 Executed on this 29th day of July 2024, at Los Angeles, California.

6 
7 _____
8 Larry W. Lee

EXHIBIT A

Lovett v. Estenson Logistics, LLC
Larry W. Lee Time and Task Chart

Hours	Description of Work
15.9	Review of background facts in preparation for filing of class and PAGA claims.
5.2	Analyze Defendant's notice of removal; confer with co-counsel re whether to remand; review research conducted re remand/removal issues.
25.4	Confer with co-counsel re Defendants' motion to dismiss; review motion to dismiss; review and revise opposition to same; review reply brief re same; legal research re same
1.2	Confer with co-counsel re Rule 26(f) joint report; revise joint report; confer with co-counsel re scheduling conference.
1.1	Further draft and revise first amended complaint.
2.2	Review and revise initial disclosures; confer with co-counsel re discovery strategy in Federal Action.
8.3	Conduct research re preemption defense; confer with co-counsel re same; confer with defense counsel re same re anticipated motion for summary adjudication.
5.8	Confer with Defendant's counsel re related cases and impact on this action, if any; analyze and review dockets from related cases; confer with co-counsel re same.
3.8	Confer with Defendant's counsel and other plaintiffs' counsel re consolidation in Central District; review and revise stipulation re same.
.3	Analyze and review order denying first motion to dismiss; confer with co-counsel re same.
1.1	Further draft and revise consolidated complaint; confer with co-counsel re same.
3.8	Review and revise written discovery to defendant; confer with co-counsel re same.
15.4	Review Defendant's responses to written discovery and document production; discuss PMK deposition with co-counsel and further necessary discovery.
10.5	Review and revise responses to written discovery served on three plaintiffs; review documents to be produced with same; confer with co-counsel.
2.7	Review and revise PMK deposition notice; confer with co-counsel re strategy re same.
3.1	Meet and confer with Defendant's counsel re PMK deposition categories; confer with co-counsel re same.

15.9	Confer with co-counsel and Defendant's counsel re anticipated motion for summary adjudication re meal, rest, and overtime claims considering FMCSA preemption arguments; review and conduct legal research re same; strategize re potential dismissal of those claims without prejudice.
9.1	Confer with co-counsel following interviews with clients re potential for off-the-clock theory of liability and facts supporting same and consider factual bases to rebut preemption defense; conduct further research re same.
2.6	Review and revise data requests for mediation; meet and confer with defense counsel; confer with co-counsel.
5.9	Analyze and review mediation data; confer with co-counsel re mediation brief; revise and review same; analyze damages model.
5.3	Discussions with mediator Dickstein re joint prosecution issues; conferences with co-counsel re same
3.1	Review and revise MOU; confer with co-counsel re same.
10.3	Review and revise settlement agreement and notices; confer with co-counsel and defendant's counsel re same.
8.4	Confer with co-counsel re motion for preliminary approval; review and revise motion and supporting documents; confer with clients re same; analyze and review court's order granting same.
39.4	Correspond with administrator and co-counsel re distribution of class notice; confer with all counsel re continuation of final approval hearing; review and revise stipulation for same; field calls from class members re settlement administration and timeline; confer with administrator re same.
10.9	Confer with plaintiffs' counsel re setting mediation to address joint prosecution agreement; review and revise mediation brief re same; participate in mediation re same.
6.1	Confer with co-counsel re Plaintiff Magana potential pay period dispute; review documents provided by defense re same; confer with administrator re same.
7.9	Revise Motion for Final Approval of Class and PAGA Settlement and supporting declaration.
4.5	Revise Motion for Attorneys' Fees & Costs and supporting declaration.
235.2	TOTAL HOURS