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Attorneys for Plaintiff and Proposed Class

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

CHARLES WALTON, as an individual and on
behalf of all others similarly situated, and as a
private attorney general,

Plaintiff,

vs.

PRAXAIR DISTRIBUTION, INC., a Delaware
corporation; and DOES 1 through 50, inclusive,

Defendants.

Case No. 20-CIV-03660

[Assigned for all purposes to Department 4,
Hon. Nancy L. Fineman]

**DECLARATION OF LARRY W. LEE IN
SUPPORT OF PLAINTIFF'S NOTICE OF
MOTION AND MOTION FOR
ATTORNEYS' FEES, COSTS, AND CLASS
REPRESENTATIVE SERVICE AWARD**

Date: April 12, 2022
Time: 8:30 a.m.
Department: 4

Complaint Filed: August 28, 2020

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 one of the attorneys of record for Plaintiff, Charles Walton. I make this
4 declaration on the basis of my own personal knowledge, except as to those matters stated on information
5 and belief and, as to those matters, I believe them to be true. If called as a witness, I could testify
6 competently as to the facts stated in this declaration.

7 2. Plaintiff asserts that Defendant failed to Plaintiff and Class Members accurate wage
8 statements in violation of Labor Code § 226, and the PAGA, as well as attorneys' fees and costs.

9 3. Plaintiff conducted formal written discovery, including propounding interrogatories and
10 requests for production. Plaintiff obtained and reviewed Defendant's discovery responses and document
11 production. The Parties engaged in an extensive meet-and-confer process regarding discovery.

12 4. The Parties agreed to conduct a private mediation with wage and hour class action
13 mediator Michael Loeb on June 17, 2021. In connection with the mediation, Defendant provided
14 Plaintiff with data for the class, which permitted Plaintiff's counsel to conduct a damage analysis. After
15 a full day of negotiations, the Parties were able to resolve the case on a class-wide basis and entered into
16 the Joint Stipulation of Class Action and PAGA Settlement ("Stipulation" or "Settlement Agreement").

17 5. Based on their own independent investigation and evaluation, the Parties and their
18 respective counsel are of the opinion that settlement for the consideration and terms set forth in the
19 Stipulation is fair, reasonable, and adequate and is in the best interests of the Class and Defendant in
20 light of all known facts and circumstances and the expenses and risks inherent in litigation.

21 6. Both Plaintiff's and Defendant's counsel have a great deal of experience in wage and
22 hour class action litigation. Plaintiff's counsel have been approved as class counsel in a number of wage
23 and hour class actions and have extensive litigation experience.

24 7. I was retained based upon a contingency fee arrangement wherein Plaintiff's counsel
25 agreed to advance all costs and receive no fee unless a recovery was accomplished. Specifically, had
26 Plaintiff failed to prevail on this case, counsel for Plaintiff would have spent a significant amount of
27 time, money and other resources without any benefit or return. In addition, had Plaintiff also failed to
28

prevail in the present case, Defendant would have been able to seek attorney's fees and/or costs in connection with their defense of the case.

8. 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 Ogletree Deakins Nash Smoak & Stewart, P.C., a national employment defense law firm that represents a significant number of Fortune 500 companies.

9. 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 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 and Northern Districts of California.

10. I have been named as Class Counsel in a number of class actions that have been granted final approval by the Superior Courts of Los Angeles County, Orange County, San Francisco County, and the United States District Court for the Central District of California, including the following class actions: *Chan Lanier v. Citigroup, Inc. et al.*, San Francisco Superior Court Case No. CGC-05-445143; *Naqvi v. Acoustic Home Loans et al.*, Orange County Superior Court Case No. 05CC00263; *Ortega v. AIG*, Central District of California Case No. CV 06-0196-RSWL (PJWx); *Universal Protection Overtime Cases*, Orange County Superior Court, Judicial Council Coordination Proceeding No. 4480; and *Hernandez v. CVS Corp. et al.*, Judicial Council Coordination Proceeding No. 4539.

11. My co-counsel and I will adequately represent the Class Members in this action. Plaintiff's Counsel have and will zealously represent Plaintiffs and the Class and pursue this lawsuit to its conclusion.

1 12. To date, I have incurred approximately 51.6 hours in the prosecution of this matter, with
2 an hourly rate of \$750.00 per hour. I anticipate spending an additional 15.0 hours through final approval
3 and post-approval, including preparing the final approval motion, conferring with class members,
4 defense counsel, and the administrator, as well as appearing for the hearing of the Motion for Final
5 Approval. Attached as **Exhibit A** is a summary of my hours and tasks on this matter.

6 13. The total lodestar for my hours will be approximately \$49,950.00 based on an hourly rate
7 of \$750.00 per hour. Since at least 2018, I have been approved at an hourly rate of \$700.00 per hour by
8 various Courts, in a number of matters, including *Stafford v. Brinks et al.*, Los Angeles County Superior
9 Court Case No. BC532260; *Chavez v. Adidas*, U.S. District Court for the Northern District of California
10 Case No. 5:16-cv-06533-LHK; *Diaz v. WeDriveU*, Santa Clara Superior Court Case No. 17CV306547;
11 *Sanchez v. American Para Professional Systems, Inc.*, Santa Clara County Superior Court Case No.
12 17CV306751; and *Hernandez v Pei Wei*, United States District Court, Central District of California Case
13 No. 8:17-cv-00679-JLS-JCG. As of 2020, I increased my hourly rate to \$750.00 per hour. I have been
14 approved by various Courts including by Judges in the Northern District of California, such as in
15 *Ramirez v. Walgreen Co.*, United States District Court, Northern District of California Case No. 18-cv-
16 03921-EJD and *Chavez v. Converse, Inc.*, 15-cv-03746-NC.

17 14. To date, my office has incurred approximately \$9,888.48 in costs. Attached as **Exhibit B**
18 is a summary of the costs for this matter.

19
20 I declare under penalty of perjury under the laws of the State of California that the foregoing is
21 true and correct. Executed this 21st day of February 2022, at Los Angeles, California.

22 

23 _____
Larry W. Lee

Exhibit A

Time and Task Summary
for Walton v. Praxair Distribution, Inc
Larry W. Lee

Description of Work	Hours
Review client documents and employer background; prepare PAGA letter	3.1
Review and revise complaint	1.3
Review and revise protective order	0.6
Review and revise joint statements; review various case management orders	1.4
Review and revise written discovery requests	1.6
Review Defendant's discovery responses; review documents produced by Defendant; meet and confer with Defendant re same	3.4
Review and research prior class settlements against Defendant and research impact of same to current case	3.7
Confer with counsel re settlement issues and class data	1.2
Review class data and damage analysis	4.1
Review and revise mediation brief, legal research re same; attend mediation	14.3
Review and revise settlement agreement and class notice; confer with counsel re same	3.8
Review and revise Motion for Preliminary Approval and supporting documents thereto; review tentative ruling re same; review and revise supplemental documents for same; attend hearings re same	7.2
Confer with class members re settlement issues	3.6
Review and revise Motion for Fees/Costs/Enhancement and supporting documents	2.3
TOTAL	51.6

Exhibit B

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DIVERSITY LAW GROUP
Slip Listing

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Selection Criteria

Slip Classification Open
Client (hand select) Include: Walton, Charles v. Praxair
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		
63779	EXP	Olympia	1	75.00	75.00
8/26/2020		Court fees			
WIP		Walton, Charles v. Praxair			
LWDA					
63741	EXP	Olympia	1	1488.85	1488.85
8/28/2020		Court fees			
WIP		Walton, Charles v. Praxair			
Odyssey - Complaint					
64098	EXP	Olympia	3	0.25	0.75
8/31/2020		Photocopies			
WIP		Walton, Charles v. Praxair			
Photocopies					
64099	EXP	Olympia	1	7.40	7.40
8/31/2020		Postage			
WIP		Walton, Charles v. Praxair			
Postage					
64336	EXP	Olympia	1	73.24	73.24
9/9/2020		Atty Service			
WIP		Walton, Charles v. Praxair			
Attorney Service - Complaint Service					
63857	EXP	Olympia	1	3.62	3.62
9/15/2020		Court fees			
WIP		Walton, Charles v. Praxair			
Odyssey - POS of Summons					
64639	EXP	Olympia	1	3.62	3.62
10/30/2020		Court fees			
WIP		Walton, Charles v. Praxair			
Odyssey - Plaintiff's CMS					
65531	EXP	Olympia	2	3.62	7.24
1/5/2021		Court fees			
WIP		Walton, Charles v. Praxair			
Odyssey - 170.6					

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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		
65698	EXP	Olympia	1	3.62	3.62
1/19/2021		Court fees			
WIP		Walton, Charles v. Praxair			
Odyssey - Notice of Reassignment/CMC					
65853	EXP	Olympia	1	3.62	3.62
2/1/2021		Court fees			
WIP		Walton, Charles v. Praxair			
Odyssey - CMS					
67417	EXP	Olympia	1	7450.00	7450.00
5/28/2021		Arbitrators			
WIP		Walton, Charles v. Praxair			
JAMS Mediation					
68537	EXP	Larry W. Lee	1	10.51	10.51
6/17/2021		Meals			
WIP		Walton, Charles v. Praxair			
Meal					
68951	EXP	Christine Choo	1	24.32	24.32
9/16/2021		Court fees			
WIP		Walton, Charles v. Praxair			
Odyssey - Stip to Continue Hearing					
69435	EXP	Olympia	1	96.77	96.77
10/19/2021		Court fees			
WIP		Walton, Charles v. Praxair			
Odyssey - MPA					
69599	EXP	Olympia	1	129.06	129.06
10/19/2021		Atty Service			
WIP		Walton, Charles v. Praxair			
Attorney Service - Motion					
69822	EXP	Olympia	1	3.62	3.62
11/30/2021		Court fees			
WIP		Walton, Charles v. Praxair			
Odyssey - Joint CMS					
70134	EXP	Christine Choo	1	3.62	3.62
12/17/2021		Court fees			
WIP		Walton, Charles v. Praxair			
Odyssey - Decl of Admin iso Prelim					
70262	EXP	Christine Choo	1	3.62	3.62
1/6/2022		Court fees			
WIP		Walton, Charles v. Praxair			
Odyssey - Amended Proposed Order					

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Slip Listing

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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		
70774	EXP	Olympia	1	500.00	500.00
2/18/2022		Court fees			
WIP		Walton, Charles v. Praxair			
Filing/Service Fees					
Grand Total					
			Billable	0.00	9888.48
			Unbillable	0.00	0.00
			Total	0.00	9888.48