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DIVERSITY LAW GROUP, P.C.
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Attorneys for Plaintiff and the Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

KADAY ALLEN, as an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

KUMQUAT HOLDINGS, LLC, a Delaware
limited liability company doing business as
PRIMROSE POST-ACUTE; and DOES 1
through 50, inclusive,

Defendants.

Case No.: 20STCV33311

[Assigned for all purposes to the Hon. Lawrence
P. Riff, Department 7]

**DECLARATION OF LARRY W. LEE IN
SUPPORT OF PLAINTIFF'S NOTICE OF
MOTION AND MOTION TO APPROVE
THE PARTIES' SETTLEMENT
AGREEMENT PURSUANT TO THE
LABOR CODE PRIVATE ATTORNEYS
GENERAL ACT OF 2004**

Date: November 9, 2022
Time: 11:00 a.m.
Dept.: 7

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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 Virginia, and am with the law firm Diversity Law Group, P.C., counsel of record for Plaintiff Allen (“Plaintiff”). I have personal knowledge of the facts set forth below and if called to do so I could and would do so competently.

2. I was retained based upon a contingency fee arrangement wherein Plaintiff's counsel agreed to advance all costs and receive no fee unless a recovery was accomplished. Practically, had Plaintiff failed to prevail on this case, counsel for Plaintiff would have spent a substantial amount of time, money and other resources without any benefit or return. In addition, had Plaintiff also failed to prevail in the present cases, Defendants would have been able to seek reimbursement of their connection with their defense of the case.

3. From the inception of the case, Plaintiff's Counsel have zealously represented the interests of Plaintiff and the aggrieved employees. The settlement was obtained for the benefit of the aggrieved employees, as opposed to the individual Plaintiff.

4. I strongly believe that Plaintiff can prevail at trial. However, I also believe in the wisdom of the settlement, which is based on factoring in the inherent risks in drawn-out litigation, as well as the possibility of appeals.

5. After taking into account sharply disputed factual and legal issues involved in this case, the risks attending further prosecution, and the substantial benefits to be received from the compromise and settlement of the litigation, I have concluded that settlement on the terms set forth in the Private Attorneys General Act (Labor Code § 2698, *et seq.*) Settlement Release Agreement (“Settlement Agreement”) is appropriate and in the best interests of the City and the aggrieved employees.

6. 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 Beck, 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

1 Editor of the Arizona State University College of Law, Law Journal. Upon graduation, I
2 practiced law as an associate at the Los Angeles County offices of Ogletree Deakins Nash
3 Smoak & Stewart, P.C., a national employment defense law firm that represents a significant
4 number of Fortune 500 companies.

5 7. My primary practice is employment law. I have handled a number of wage and
6 hour matters including class actions and individual actions, on both plaintiff and defense sides. I
7 have a practice that encompasses cases in the Los Angeles Superior Courts, the Orange County
8 Superior Courts, the San Francisco County Superior Courts, the San Diego County Superior
9 Courts, and the United States District Courts for the Central, Northern, and Eastern Districts of
10 California. I have been named as Class Counsel in a number of class actions that have been
11 granted final approval by the Superior Courts of Los Angeles County, Orange County, San
12 Francisco County, and the United States District Court for the Central District of California,
13 including the following class actions: *Chan Lanier v. Citigroup, Inc. et al.*, San Francisco
14 Superior Court Case No. CGC-05-445143; *Naqvi v. Acoustic Home Loans et al.*, Orange County
15 Superior Court Case No. 05CC00263; *Ortega v. AIG*, Central District of California Case No. CV
16 06-0196-RSWL (PJWx); *Universal Protection Overtime Cases*, Orange County Superior Court
17 Case No. JCCP 4480; *Tse v. Best Buy*, Los Angeles Superior Court Case No. BC392717; and
18 *Hernandez v. CVS Corporation*, Los Angeles Superior Court Case No. JCCP 4539.

19 8. To date, my firm has incurred costs in the amount of approximately \$10,969.70.
20 Attached hereto as **Exhibit A** is a true and correct copy of my cost report.

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

23 Executed on this August 16, 2022, at Los Angeles, California.

24
25 
26 Larry W. Lee
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EXHIBIT A

8/10/2022
8:12 AM

DIVERSITY LAW GROUP
Slip Listing

Page 1

Selection Criteria

Slip Classification Open
Client (hand select) Include: Allen, Kaday v. Kumquat
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		
63780	EXP	Olympia	1	75.00	75.00
8/26/2020		Court fees			
WIP		Allen, Kaday v. Kumquat			
LWDA					
63954	EXP	Olympia	1	1673.34	1673.34
8/31/2020		Atty Service			
WIP		Allen, Kaday v. Kumquat			
Attorney Service - Complaint Service					
63967	EXP	Olympia	5	0.25	1.25
8/31/2020		Photocopies			
WIP		Allen, Kaday v. Kumquat			
Photocopies					
63968	EXP	Olympia	1	7.40	7.40
8/31/2020		Postage			
WIP		Allen, Kaday v. Kumquat			
Postage					
64699	EXP	Olympia	1	102.99	102.99
10/1/2020		Atty Service			
WIP		Allen, Kaday v. Kumquat			
Attorney Service - Complaint Service					
64738	EXP	Olympia	1	50.50	50.50
10/13/2020		Atty Service			
WIP		Allen, Kaday v. Kumquat			
Attorney Service - POS of Summons					
65203	EXP	Olympia	1	49.50	49.50
11/5/2020		Atty Service			
WIP		Allen, Kaday v. Kumquat			
Attorney Service - Joint CMS					
64926	EXP	Larry W. Lee	1	15.00	15.00
11/13/2020		Court fees			
WIP		Allen, Kaday v. Kumquat			
LACourtConnect					

8/10/2022
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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		
65377	EXP	Olympia	9	0.25	2.25
11/30/2020		Photocopies			
WIP		Allen, Kaday v. Kumquat			
Photocopies					
65378	EXP	Olympia	1	0.65	0.65
11/30/2020		Postage			
WIP		Allen, Kaday v. Kumquat			
Postage					
66059	EXP	Olympia	1	126.00	126.00
2/9/2021		Court fees			
WIP		Allen, Kaday v. Kumquat			
Case Anywhere					
66463	EXP	Olympia	1	54.45	54.45
2/26/2021		Atty Service			
WIP		Allen, Kaday v. Kumquat			
Attorney Service - Joint CMS					
66291	EXP	Max Gavron	1	15.00	15.00
3/3/2021		Court fees			
WIP		Allen, Kaday v. Kumquat			
LACourtConnect					
66574	EXP	Olympia	1	275.00	275.00
3/17/2021		Class Notice			
WIP		Allen, Kaday v. Kumquat			
Simpluris					
67212	EXP	Olympia	1	126.00	126.00
5/10/2021		Court fees			
WIP		Allen, Kaday v. Kumquat			
Case Anywhere					
68330	EXP	Olympia	1	76.70	76.70
7/6/2021		Atty Service			
WIP		Allen, Kaday v. Kumquat			
Attorney Service - Joint Statement					
68372	EXP	Olympia	1	180.45	180.45
7/22/2021		Atty Service			
WIP		Allen, Kaday v. Kumquat			
Attorney Service - Opposition to MTC					
68380	EXP	Olympia	1	75.20	75.20
7/28/2021		Atty Service			
WIP		Allen, Kaday v. Kumquat			
Attorney Service - Joint Further Statement					

8/10/2022
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DIVERSITY LAW GROUP
Slip Listing

Page 3

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
68273 EXP 8/4/2021 WIP LA Court Connect	Max Gavron Court fees Allen, Kaday v. Kumquat	1	15.00	15.00
68303 EXP 8/6/2021 WIP Case Anywhere	Olympia Court fees Allen, Kaday v. Kumquat	1	168.00	168.00
69740 EXP 11/15/2021 WIP Case Anywhere	Olympia Court fees Allen, Kaday v. Kumquat	1	126.00	126.00
70739 EXP 2/14/2022 WIP Case Anywhere	Olympia Court fees Allen, Kaday v. Kumquat	1	120.00	120.00
71541 EXP 4/19/2022 WIP Todd Smith Mediation	Olympia Arbitrators Allen, Kaday v. Kumquat	1	7000.00	7000.00
71787 EXP 5/13/2022 WIP Case Anywhere	Olympia Court fees Allen, Kaday v. Kumquat	1	120.00	120.00
72340 EXP 7/6/2022 WIP ACE E Filing - Notice of Reassignment	Olympia Court fees Allen, Kaday v. Kumquat	1	14.02	14.02
72689 EXP 8/10/2022 WIP Filing/Courtcall	Olympia Court fees Allen, Kaday v. Kumquat	1	500.00	500.00
Grand Total	Billable Unbillable Total	0.00 0.00 0.00		10969.70 0.00 10969.70