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Attorneys for Plaintiff and the Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF ALAMEDA**

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

Plaintiff,

vs.

DAL-TILE SERVICES, INC., a Delaware  
corporation; MOHAWK INDUSTRIES, INC., a  
Delaware corporation; and DOES 1 through 50,  
inclusive,

Defendants.

Case No. RG20071668

[Hon. Evelio Grillo, Department 21]

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

Date: August 15, 2023  
Time: 10:00 a.m.  
Department: 21

**Reservation ID: 756487160578**

Complaint Filed: August 25, 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 counsel of record for Plaintiff. I make this declaration on the basis of my  
4 own personal knowledge, except as to those matters stated on information and belief and, as to those  
5 matters, I believe them to be true. If called as a witness, I could testify competently as to the facts stated  
6 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 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 extensive informal and formal discovery and class data. This allowed Plaintiff to conduct a  
14 full damage analysis. The Agreement was the product of negotiation between highly able and  
15 experienced attorneys on both sides who possessed the relevant data and extensive legal research which  
16 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 \$11,368.85. 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.

16 10. To date, I have incurred approximately 90.8 hours in the prosecution of this matter, with  
17 an hourly rate of \$800.00 per hour. I anticipate spending an additional 15.0 hours through final approval  
18 and post-approval, including conferring with class members, defense counsel, and the administrator, as  
19 well as appearing for the hearing of the Motion for Final Approval. The total lodestar for my hours will  
20 be approximately \$84,640.00. Attached as **Exhibit B** is a summary of my hours and tasks on this matter.  
21 Since at least 2020, I have been approved at an hourly rate of \$750.00 per hour by various Courts,  
22 including this Court. Examples of these Courts include the following cases: *Hernandez v. Wells Fargo*  
23 *Bank*, Santa Clara County Superior Court Case No. 16CV299319, *Carrillo v. New Balance Athletics,*  
24 *Inc.*, Santa Clara County Superior Court Case No. 19CV352469; *Ramirez v. Walgreen Co.*, United  
25 States District Court, Northern District of California Case No. 18-cv-03921-EJD, *Chavez v. Converse,*  
26 *Inc.*, United States District Court, Northern District of California Case No. 15-cv-03746-NC; *Foster v.*  
27 *Schindler Elevator Corporation*, Alameda County Superior Court Case No. RG19029640; *Foaad Hanna*  
28 *v. Equinix, LLC*, Santa Clara County Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven*

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

9 11. On April 27, 2023, Plaintiff uploaded the Order Granting Plaintiff's Motion for  
10 Preliminary Approval of Class Action Settlement to the LWDA's website. Concurrent with the filing of  
11 this motion, Plaintiff also has uploaded the final approval motion to the LWDA.

12 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
13 true and correct. Executed this 24<sup>th</sup> day of July 2023, at Los Angeles, California.

14 

15 \_\_\_\_\_  
Larry W. Lee

# EXHIBIT A

7/14/2023  
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DIVERSITY LAW GROUP  
Slip Listing

Page 1

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Selection Criteria

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Slip Classification Open  
Client (hand select) Include: Aldana, Janele v. Mohawk Indus  
Slip.Transaction Ty 2 - 2

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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  |             |            |
| 63699                                | EXP | Olympia                     | 1         | 75.00       | 75.00      |
| 8/19/2020                            |     | Court fees                  |           |             |            |
| WIP                                  |     | Aldana, Janele v. Mohawk In |           |             |            |
| LWDA                                 |     |                             |           |             |            |
| 63735                                | EXP | Olympia                     | 1         | 1448.00     | 1448.00    |
| 8/25/2020                            |     | Court fees                  |           |             |            |
| WIP                                  |     | Aldana, Janele v. Mohawk In |           |             |            |
| Alameda Fax Filing - Complaint       |     |                             |           |             |            |
| 63965                                | EXP | Olympia                     | 2         | 0.25        | 0.50       |
| 8/31/2020                            |     | Photocopies                 |           |             |            |
| WIP                                  |     | Aldana, Janele v. Mohawk In |           |             |            |
| Photocopies                          |     |                             |           |             |            |
| 63966                                | EXP | Olympia                     | 1         | 14.30       | 14.30      |
| 8/31/2020                            |     | Postage                     |           |             |            |
| WIP                                  |     | Aldana, Janele v. Mohawk In |           |             |            |
| Postage                              |     |                             |           |             |            |
| 64331                                | EXP | Olympia                     | 1         | 67.99       | 67.99      |
| 9/9/2020                             |     | Atty Service                |           |             |            |
| WIP                                  |     | Aldana, Janele v. Mohawk In |           |             |            |
| Attorney Service - Complaint Service |     |                             |           |             |            |
| 64332                                | EXP | Olympia                     | 1         | 286.50      | 286.50     |
| 9/9/2020                             |     | Atty Service                |           |             |            |
| WIP                                  |     | Aldana, Janele v. Mohawk In |           |             |            |
| Attorney Service - Complaint Service |     |                             |           |             |            |
| 64406                                | EXP | Olympia                     | 1         | 5.00        | 5.00       |
| 10/13/2020                           |     | Court fees                  |           |             |            |
| WIP                                  |     | Aldana, Janele v. Mohawk In |           |             |            |
| Alameda Fax Filing - POS of Summons  |     |                             |           |             |            |
| 64431                                | EXP | Olympia                     | 1         | 4.00        | 4.00       |
| 10/16/2020                           |     | Online researc              |           |             |            |
| WIP                                  |     | Aldana, Janele v. Mohawk In |           |             |            |
| Online Documents                     |     |                             |           |             |            |

7/14/2023  
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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  |             |            |
| 64481                                                | EXP | Olympia                     | 1         | 10.00       | 10.00      |
| 10/19/2020                                           |     | Court fees                  |           |             |            |
| WIP                                                  |     | Aldana, Janele v. Mohawk In |           |             |            |
| Alameda Fax Filing - Notice of Complex Determination |     |                             |           |             |            |
| 64840                                                | EXP | Olympia                     | 9         | 0.25        | 2.25       |
| 10/31/2020                                           |     | Photocopies                 |           |             |            |
| WIP                                                  |     | Aldana, Janele v. Mohawk In |           |             |            |
| Photocopies                                          |     |                             |           |             |            |
| 64841                                                | EXP | Olympia                     | 1         | 0.65        | 0.65       |
| 10/31/2020                                           |     | Postage                     |           |             |            |
| WIP                                                  |     | Aldana, Janele v. Mohawk In |           |             |            |
| Postage                                              |     |                             |           |             |            |
| 65376                                                | EXP | Olympia                     | 1         | 1.80        | 1.80       |
| 11/30/2020                                           |     | Postage                     |           |             |            |
| WIP                                                  |     | Aldana, Janele v. Mohawk In |           |             |            |
| Postage                                              |     |                             |           |             |            |
| 65375                                                | EXP | Olympia                     | 22        | 0.25        | 5.50       |
| 11/30/2020                                           |     | Photocopies                 |           |             |            |
| WIP                                                  |     | Aldana, Janele v. Mohawk In |           |             |            |
| Photocopies                                          |     |                             |           |             |            |
| 66468                                                | EXP | Olympia                     | 1         | 6.96        | 6.96       |
| 2/28/2021                                            |     | Postage                     |           |             |            |
| WIP                                                  |     | Aldana, Janele v. Mohawk In |           |             |            |
| Postage                                              |     |                             |           |             |            |
| 68631                                                | EXP | Christine S. Lee            | 1         | 10.00       | 10.00      |
| 8/23/2021                                            |     | Court fees                  |           |             |            |
| WIP                                                  |     | Aldana, Janele v. Mohawk In |           |             |            |
| Alameda Fax Filing - Notice of Reassignment          |     |                             |           |             |            |
| 71775                                                | EXP | Olympia                     | 1         | 9.05        | 9.05       |
| 5/10/2022                                            |     | Court fees                  |           |             |            |
| WIP                                                  |     | Aldana, Janele v. Mohawk In |           |             |            |
| ACE E Filing - FAC                                   |     |                             |           |             |            |
| 73565                                                | EXP | Olympia                     | 1         | 9000.00     | 9000.00    |
| 11/14/2022                                           |     | Arbitrators                 |           |             |            |
| WIP                                                  |     | Aldana, Janele v. Mohawk In |           |             |            |
| Gig Kyriacou Mediation                               |     |                             |           |             |            |
| 73627                                                | EXP | Erika Mejia                 | 1         | 16.85       | 16.85      |
| 11/28/2022                                           |     | Court fees                  |           |             |            |
| WIP                                                  |     | Aldana, Janele v. Mohawk In |           |             |            |
| ACE E Filing - CMS                                   |     |                             |           |             |            |

7/14/2023  
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DIVERSITY LAW GROUP  
Slip Listing

Page 3

| Slip ID<br>Dates and Time<br>Posting Status<br>Description                               | Timekeeper<br>Activity<br>Client<br>Reference            | Units<br>DNB Time<br>Est. Time<br>Variance | Rate<br>Rate Info<br>Bill Status | Slip Value                   |
|------------------------------------------------------------------------------------------|----------------------------------------------------------|--------------------------------------------|----------------------------------|------------------------------|
| 73867 EXP<br>12/13/2022<br>WIP<br>MPA Reservation                                        | Olympia<br>Court fees<br>Aldana, Janele v. Mohawk In     | 2                                          | 1.00                             | 2.00                         |
| 73972 EXP<br>1/4/2023<br>WIP<br>Rescheduling of MPA Hearing                              | Olympia<br>Court fees<br>Aldana, Janele v. Mohawk In     | 1                                          | 1.00                             | 1.00                         |
| 74288 EXP<br>1/26/2023<br>WIP<br>ACE E Filing - MPA                                      | Erika Mejia<br>Court fees<br>Aldana, Janele v. Mohawk In | 1                                          | 79.65                            | 79.65                        |
| 74720 EXP<br>3/22/2023<br>WIP<br>ACE E Filing - Supp Decl of SLY & Decl of<br>Ian Wright | Simon Yang<br>Court fees<br>Aldana, Janele v. Mohawk In  | 1                                          | 17.85                            | 17.85                        |
| 74983 EXP<br>4/27/2023<br>WIP<br>Online Min Order                                        | Olympia<br>Online researc<br>Aldana, Janele v. Mohawk In | 1                                          | 3.00                             | 3.00                         |
| 74984 EXP<br>4/27/2023<br>WIP<br>MFA Reservation                                         | Olympia<br>Online researc<br>Aldana, Janele v. Mohawk In | 1                                          | 1.00                             | 1.00                         |
| 75686 EXP<br>7/14/2023<br>WIP<br>Filing Fees                                             | Simon Yang<br>Court fees<br>Aldana, Janele v. Mohawk In  | 1                                          | 300.00                           | 300.00                       |
| Grand Total                                                                              | Billable<br>Unbillable<br>Total                          | 0.00<br>0.00<br>0.00                       |                                  | 11368.85<br>0.00<br>11368.85 |

# EXHIBIT B

**Time and Task Summary**  
**for Aldana v. Dal-Tile Services, Inc. et al.**  
**Larry W. Lee**

| <b>Description of Work</b>                                                                                                                                             | <b>Hours</b> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| Review client documents and employer background; research relationship between Defendants; prepare PAGA letter                                                         | 12.2         |
| Review and revise initial complaint                                                                                                                                    | 2.8          |
| Review initial court orders; meet and confer with defense counsel re cmc; prepare joint statement re same                                                              | 1.3          |
| Review and revise first amended complaint; review and revise stipulation to file same; confer with counsel re same                                                     | 2.6          |
| Review and revise first set of written discovery to Defendants; review responses and documents produced in response to same; meet and confer with counsel re same      | 13.4         |
| Review Defendants' discovery requests to Plaintiff; review and revise responses to same; prepare document production for same; meet and confer re same                 | 10.3         |
| Confer with opposing counsel re mediation; request class data re same; meet and confer re meal/rest break theory                                                       | 2.2          |
| Review and revise mediation brief; review class data; review and revise damages analysis for same                                                                      | 8.6          |
| Attend mediation                                                                                                                                                       | 7.6          |
| Post-mediation discussions with all parties re settlement issues; review and revise MOU                                                                                | 5.8          |
| Review and revise long form settlement agreement; confer with counsel re same                                                                                          | 6.7          |
| Review and revise Motion for Preliminary Approval and supporting documents thereto                                                                                     | 4.2          |
| Review Court's tentative ruling re preliminary approval; review and revise supplemental declarations and amended settlement agreement re same; meet and confer re same | 2.5          |
| Review weekly status reports from administrator                                                                                                                        | 4.1          |
| Confer with class members re settlement issues                                                                                                                         | 3.2          |
| Review and revise motion for final approval                                                                                                                            | 3.3          |
| <b>TOTAL</b>                                                                                                                                                           | <b>90.8</b>  |