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Attorneys for Plaintiff, the Class, and Aggrieved Employees

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN JOAQUIN**

MARTIN MORENO, as an individual and
on behalf of all others similarly situated,

Plaintiffs,

vs.

MEDLINE INDUSTRIES, L.P., an Illinois
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: STK-CV-UOE-2020-7446

(Assigned to the Hon. Erin Guy Castillo, Dept.
10B)

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

Date: May 11, 2022, May 12, 2022, or
May 13, 2022

Time: 9:00 a.m.

Dept.: 10B

Complaint Filed: September 8, 2020

FAC Filed: January 14, 2022

Trial: Not Set

DECLARATION OF LARRY W. LEE

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 Plaintiff Martin Moreno ("Plaintiff"). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. From the inception of the case, Class Counsel have zealously represented the interests of the Class. I have spent significant time researching and pursuing the claims that have been alleged in this action.

3. Based on my own independent investigation and evaluation, I am of the opinion that settlement for the consideration and terms set forth in the Class Action Settlement Agreement ("Settlement Agreement") is fair, reasonable, and adequate and is in the best interests of the Class in light of all known facts and circumstances and the expenses and risks inherent in litigation. The Settlement was obtained for the benefit of the Class, as opposed to the individual Class Representative.

4. Although Plaintiff believes that a class can be certified, Plaintiff also believes in the fairness of the settlement that is based on factoring in the uncertainty and risks to Plaintiff involved in not prevailing on one or more of the theories alleged in the operative First Amended Complaint, the possibility of non-certification, and the potential for appeals.

5. 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. For example, my office has expended costs to file this instant action, effect service of process, and pay other litigation related costs, including mediation fees. Had Plaintiff failed to prevail on this case, counsel for Plaintiff would have spent a significant amount of time, money and other resources without any benefit or return. In addition, had Plaintiff also failed to prevail in the present case, Defendant would have been able to seek attorney's fees and costs in connection with their defense of the case.

6. I am one of the primary attorneys on this matter. My qualifications are as follows: I

1 received my J.D. from Arizona State University College of Law in 2003. During law school, I was
2 a summer associate at the law firm of Brobeck, Phleger & Harrison. I graduated cum laude from
3 Arizona State University College of Law in the top 10% of my class. While I was in law school, I
4 was the Associate Managing Editor of the Arizona State University College of Law, Law Journal.
5 Upon graduation, I practiced law as an associate at the Los Angeles County offices of Ogletree
6 Deakins Nash Smoak & Stewart, P.C., a national employment defense law firm that represents a
7 significant number of Fortune 500 companies.

8 7. My firm's primary focus is employment law. I have handled a number of wage and
9 hour matters including class actions and multiple-plaintiff actions. I have a practice that
10 encompasses cases in the Los Angeles Superior Courts, the Orange County Superior Courts, the
11 San Francisco County Superior Courts, the San Diego County Superior Courts, and the United
12 States District Courts for the Central, Eastern and Northern Districts of California.

13 8. I have been named as Class Counsel in a number of class actions that have been
14 granted final approval by the Superior Courts of Los Angeles County, Orange County, San
15 Francisco County, and the United States District Court for the Central District of California,
16 including the following Class Actions: *Chan Lanier v. Citigroup, Inc. et al.*, San Francisco
17 Superior Court Case No. CGC-05-445143; *Naqvi v. Acoustic Home Loans et al.*, Orange County
18 Superior Court Case No. 05CC00263; *Ortega v. AIG*, Central District of California Case No. CV
19 06-0196-RSWL (PJWx); *Universal Protection Overtime Cases*, Orange County Superior Court,
20 Judicial Council Coordination Proceeding No. 4480; and *Hernandez v. CVS Corp. et al.*, Judicial
21 Council Coordination Proceeding No. 4539.

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

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

Executed on this 11th day of April 2022, at Los Angeles, California.


Larry W. Lee