

DIVERSITY LAW GROUP, P.C.
Larry W. Lee (State Bar No. 228175)
lwlee@diversitylaw.com
Simon L. Yang (State Bar No. 260286)
sly@diversitylaw.com
515 South Figueroa Street, Suite 1250
Los Angeles, California 90071
Telephone: (213) 488-6555
Facsimile: (213) 488-6554

POLARIS LAW GROUP
William L. Marder (State Bar No. 170131)
bill@polarislawgroup.com
501 San Benito Street, Suite 200
Hollister, California 95023
Telephone: (831) 531-4214
Facsimile (831) 634-0333

Attorneys for Plaintiff and the Class

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

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

Plaintiff,

vs.

HAYWARD SISTERS HOSPITAL dba ST.
ROSE HOSPITAL, a California corporation; and
DOES 1 through 50, inclusive,

Defendants.

Case No. RG20074747

[Hon. Brad Seligman, Department 23]

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

Date: April 11, 2023
Time: 3:00 p.m.
Department: 23

Reservation No.: A-20074747-001

Complaint Filed: September 23, 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 formal and informal discovery and class data. This allowed Plaintiff to conduct a full
14 damage analysis. The Agreement was the product of negotiation between highly able and experienced
15 attorneys on both sides who possessed the relevant data and extensive legal research which they had
16 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 \$5,047.71. The costs are all litigation related
14 costs, including filing fees and mediation fees. Attached hereto as **Exhibit A** is copy of the costs my
15 firm has incurred in connection with prosecution of this lawsuit.

16 10. To date, I have incurred approximately 78.4 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 \$74,720.00. 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 December 17, 2022, 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 16th day of March 2023, at Los Angeles, California.

14 

15 _____
Larry W. Lee

EXHIBIT A

3/10/2023
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DIVERSITY LAW GROUP
Slip Listing

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Selection Criteria

Slip.Classification Open
Client (hand select) Include: Davila, Joseluis v. St. Rose
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		
63816	EXP	Olympia	1	75.00	75.00
9/10/2020		Court fees			
WIP		Davila, Joseluis v. St. Rose			
LWDA					
64164	EXP	Olympia	1	1448.00	1448.00
9/25/2020		Court fees			
WIP		Davila, Joseluis v. St. Rose			
Alameda Fax Filing - Complaint					
64514	EXP	Olympia	1	6.90	6.90
9/30/2020		Postage			
WIP		Davila, Joseluis v. St. Rose			
Postage					
64705	EXP	Olympia	1	143.25	143.25
10/1/2020		Atty Service			
WIP		Davila, Joseluis v. St. Rose			
Attorney Service - Complaint Service					
64446	EXP	Olympia	1	7.00	7.00
10/14/2020		Court fees			
WIP		Davila, Joseluis v. St. Rose			
Alameda Fax Filing - Notice of Hearing					
64614	EXP	Olympia	1	3.00	3.00
10/23/2020		Court fees			
WIP		Davila, Joseluis v. St. Rose			
Alameda Fax Filing - POS of Summons					
64854	EXP	Olympia	6	0.25	1.50
10/31/2020		Photocopies			
WIP		Davila, Joseluis v. St. Rose			
Photocopies					
64855	EXP	Olympia	1	0.65	0.65
10/31/2020		Postage			
WIP		Davila, Joseluis v. St. Rose			
Postage					

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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		
65030	EXP	Olympia	1	9.00	9.00
11/12/2020		Court fees			
WIP		Davila, Joseluis v. St. Rose			
Alameda Fax Filing - Notice of Assignment					
65401	EXP	Olympia	1	0.65	0.65
11/30/2020		Postage			
WIP		Davila, Joseluis v. St. Rose			
Postage					
65400	EXP	Olympia	9	0.25	2.25
11/30/2020		Photocopies			
WIP		Davila, Joseluis v. St. Rose			
Photocopies					
68749	EXP	Erika Mejia	1	4.00	4.00
9/8/2021		Court fees			
WIP		Davila, Joseluis v. St. Rose			
Alameda Fax Filing - Joint CMS					
70995	EXP	Olympia	1	2750.00	2750.00
3/8/2022		Arbitrators			
WIP		Davila, Joseluis v. St. Rose			
Judicate West Mediation					
73161	EXP	Linda Lee	1	1.00	1.00
10/3/2022		Court fees			
WIP		Davila, Joseluis v. St. Rose			
MPA Reservation					
73597	EXP	Erika Mejia	1	78.65	78.65
11/17/2022		Court fees			
WIP		Davila, Joseluis v. St. Rose			
ACE E Filing - MPA					
73731	EXP	Erika Mejia	1	17.85	17.85
12/6/2022		Court fees			
WIP		Davila, Joseluis v. St. Rose			
ACE E Filing - Supp Decl					
73868	EXP	Erika Mejia	1	17.85	17.85
12/12/2022		Court fees			
WIP		Davila, Joseluis v. St. Rose			
ACE E Filing - Supp SLY Decl					
73888	EXP	Olympia	1	4.00	4.00
12/16/2022		Court fees			
WIP		Davila, Joseluis v. St. Rose			
Online 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		
74248	EXP	Erika Mejia	1	79.65	79.65
1/23/2023		Court fees			
WIP		Davila, Joseluis v. St. Rose			
ACE E Filing - Ex Parte					
74377	EXP	Erika Mejia	1	97.51	97.51
1/23/2023		Atty Service			
WIP		Davila, Joseluis v. St. Rose			
Attorney Service - Chamber Copy					
74662	EXP	Simon Yang	1	300.00	300.00
3/10/2023		Court fees			
WIP		Davila, Joseluis v. St. Rose			
WIP Filing Fees					
Grand Total					
			Billable	0.00	5047.71
			Unbillable	0.00	0.00
			Total	0.00	5047.71

EXHIBIT B

Time and Task Summary
for Davila v. Hayward Sisters Hospital dba St. Rose Hospital
Larry W. Lee

Description of Work	Hours
Review client documents; confer with co counsel re theories of case; research potential causes of action and viability of same	7.6
Research prior wage/hour lawsuits filed against Defendant	3.8
Review and revise complaint and PAGA letter	4.3
Review initial court notices and complex guidelines	1.1
Confer with counsel re CMC and case issues; review and revise joint statements; review court orders re same	3.6
Review and revise first set of written discovery to Defendant; review Defendant's responses to same; meet and confer re same; review documents produced by Defendant	12.6
Discussions with counsel re mediation and necessary class payroll data	4.8
Review payroll data produced by Defendant; review and revise class damages re same	4.3
Review and revise mediation brief; legal research re same	5.1
Attend mediation	8.5
Review and revise long form settlement documents; conferences with opposing counsel re same	7.8
Review and revise Motion for Preliminary Approval and supporting documents	3.3
Review and revise ex parte to compel compliance; confer with counsel and administrator re same	5.8
Confer with class members re settlement issues	2.4
Review and revise Motion for Final Approval and supporting documents	3.4
TOTAL	78.4