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Attorneys for Plaintiffs, the Class, and Aggrieved Employees

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

JAMES PEVEY, as an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

LUMBER CITY CORP., a California
corporation d/b/a DIY HOME CENTER;
and DOES 1 through 50, inclusive,

Defendants.

Case No.: CIVDS2010240

[Assigned for all purposes to the Hon. David
Cohn, Dept. S-26]

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

Date: May 2, 2022

Time: 10:00 a.m.

Dept.: S-26

Complaint Filed: June 2, 2020

FAC Filed: January 29, 2021

SAC Filed: July 23, 2021

Trial Date: Not Set

I, Larry W. Lee, declare as follows:

7. To date, I have incurred approximately 109.7 hours in connection with the litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have incurred to date.

1 8. I also anticipate spending an additional 10 hours conferring and reviewing e-mails
2 and other written communications with counsel for Defendant, the Settlement Administrator, and
3 Class Members regarding post final approval matters, including payments and related issues.

4 9. The total lodestar for my hours, including anticipated hours, will be
5 approximately \$89,775.00 based on an hourly rate of \$750.00 per hour. Since at least 2018, I
6 have been approved at an hourly rate of \$700.00 per hour by various Courts, in a number of
7 matters, including *Stafford v. Brinks et al.*, Los Angeles County Superior Court Case No.
8 BC532260; *Chavez v. Kenneth Cole Productions, Inc.*, Santa Clara Superior Court Case No.
9 17CV306407; *Chavez v. Adidas*, U.S. District Court for the Northern District of California Case
10 No. 5:16-cv-06533-LHK; *Mankin v. Taste Catering*, San Mateo Superior Court Case No. 17-
11 CIV-03497; *Ricardo Macias v. SASCO*, Santa Clara County Superior Court Case No.
12 16CV304263; *Valles v. Community Hospital of the Monterey Peninsula*, Monterey Superior
13 Court Case No. 17CV003452; *Diaz v. WeDriveU*, Santa Clara Superior Court Case No.
14 17CV306547; *Sanchez v. American Para Professional Systems, Inc.*, Santa Clara County
15 Superior Court Case No. 17CV306751; *Hernandez v Pei Wei*, United States District Court,
16 Central District of California Case No. 8:17-cv-00679-JLS-JCG; *Song v. THC-Orange County,*
17 *Inc.*, U.S. District Court for the Central District of California Case No. 8:17-cv00965-JLS-
18 DFMx; *Perez v. Standard Drywall, Inc.*, Alameda County Superior Court Case No.
19 RG15761142; *Huertas v. Chevron Stations*, Santa Clara Superior Court Case No. 17CV309996;
20 and *In re DirecTv Wage and Hour Cases*, JCCP Case No. 4850.

21 10. As of 2020, I increased my hourly rate to \$750.00 per hour. I have been approved
22 at \$750.00 per hour by various courts, including: *Hernandez v. Wells Fargo Bank*, Santa Clara
23 County Superior Court Case No. 16CV299319, *Carrillo v. New Balance Athletics, Inc.*, Santa
24 Clara County Superior Court Case No. 19CV352469; *Ramirez v. Walgreen Co.*, United States
25 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;
27 *Foster v. Schindler Elevator Corporation*, Alameda County Superior Court Case No.
28 RG19029640; *Foaad Hanna v. Equinix, LLC*, Santa Clara County Superior Court Case No.

1 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles County Superior Court Case No.
2 BC720144; *Mary Della Maggiora v. Watsonville Community Hospital*, Santa Cruz County
3 Superior Court Case No. 18CV00191; *Pittman v. Martinez Steel Corporation*, San Bernardino
4 County Superior Court Case No. CIVDS1823132; *Michael Randolph v. Pacific Racing*
5 *Association*, Alameda County Superior Court Case No. RG18908139; *Markham v. Quik Stop*
6 *Markets, Inc.*, Santa Clara Superior Court Case No. 19CV341582; *Siron v. Raypak, Inc.*, Ventura
7 Superior Court Case No. 56-2019-005279959-CU-OE-VTA; *Carter v. Kline Services, Inc.*, San
8 Bernardino Superior Court Case No. CIVDS1828867, and *Prexxie Pascual and Arturo Fonseca*
9 *v. Satellite Healthcare, Inc.*, Santa Clara Superior Court Case No. 19CV345211.

10 11. My qualifications are as follows: I received my J.D. from Arizona State
11 University College of Law in 2003. During law school, I was a summer associate at the law firm
12 of Brobeck, Phleger & Harrison. I graduated cum laude from Arizona State University College
13 of Law in the top 10% of my class. While I was in law school, I was the Associate Managing
14 Editor of the Arizona State University College of Law, Law Journal. Upon graduation, I
15 practiced law as an associate at the Los Angeles County offices of Ogletree Deakins Nash
16 Smoak & Stewart, P.C., a national employment defense law firm that represents a significant
17 number of Fortune 500 companies.

18 12. My firm's primary focus is employment law. I have handled a number of wage
19 and hour matters including class actions and multiple-plaintiff actions. I have a practice that
20 encompasses cases in the Los Angeles Superior Courts, the Orange County Superior Courts, the
21 Sacramento County Superior Courts, the Alameda County Superior Courts, the San Diego
22 County Superior Courts, and the United States District Courts for the Central, Eastern and
23 Northern Districts of California.

24 13. I have been named as Class Counsel in a number of class actions that have been
25 granted final approval by the Superior Courts of Los Angeles County, Orange County, Alameda
26 County and the United States District Court for the Central District of California, including the
27 following Class Actions: *Chan Lanier v. Citigroup, Inc. et al.*, San Francisco Superior Court
28 Case No. CGC-05-445143; *Naqvi v. Acoustic Home Loans et al.*, Orange County Superior Court

1 Case No. 05CC00263; *Ortega v. AIG*, Central District of California Case No. CV 06-0196-
2 RSWL (PJWx); *Universal Protection Overtime Cases*, Orange County Superior Court, Judicial
3 Council Coordination Proceeding No. 4480; *Tse v. Best Buy*, Los Angeles Superior Court Case
4 No. BC392717; and *Hernandez v. CVS Corp. et al.*, Judicial Council Coordination Proceeding
5 No. 4539.

6 14. To date, my office has incurred \$18,513.36 in costs. The costs are all litigation-
7 related costs, including filing fees and mediation fees. Attached hereto as **Exhibit B** is a copy of
8 costs my firm has incurred in connection with the prosecution of this lawsuit.

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

11 Executed on this 8th day of April 2022, at Los Angeles, California.

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14 Larry W. Lee
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EXHIBIT A

Pevey/Peterson v. DIY
Time and Task Chart for Larry W. Lee

Hours	Description of Work
4.1	Review and research background facts and legal theories of potential claims for Pevey; confer with client re same.
6.3	Review and research background facts and legal theories of potential claims for Peterson; confer with client and co-counsel re same.
2.7	Review and revise complaints and PAGA letters
1.6	Meet and confer with counsel re mediation and stay of case
8.5	Review and revise motion for leave to amend; review opposition to same; review and revise reply to same; legal research re same
1.1	Review and revise protective order
15.7	Review Defendant's discovery requests to Plaintiff; review and revise responses to same; review document production for same
18.4	Review and revise written discovery to defendant; review Defendant's responses to same; review document production for same; meet and confer with Defendant re same
8.3	Review class member class data for mediation purposes; revise and revise damage analysis.
10.3	Review and revise mediation brief; legal research re same
13.8	Attend mediation; significant follow up discussions with mediator re settlement issues
5.2	Review and revise settlement documents; confer with counsel re same.
6.1	Review and revise motion for preliminary approval and supporting documents
3.9	Confer with class members re settlement issues; review administrator reports re class member responses.
3.7	Review and revise motion for final approval and supporting documents
109.7	TOTAL HOURS

EXHIBIT B

4/4/2022
4:12 PM

DIVERSITY LAW GROUP
Slip Listing

Page 1

Selection Criteria

Slip Classification Open
Client (hand select) Include: Pevey, James v. DIY
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		
62694	EXP	Olympia	1	75.00	75.00
5/22/2020		Court fees			
WIP		Pevey, James v. DIY			
LWDA					
62871	EXP	Olympia	1	6.90	6.90
5/31/2020		Postage			
WIP		Pevey, James v. DIY			
Postage					
63104	EXP	Olympia	1	1651.06	1651.06
6/1/2020		Atty Service			
WIP		Pevey, James v. DIY			
Attorney Service - Complaint					
62958	EXP	Olympia	1	6000.00	6000.00
6/22/2020		Arbitrators			
WIP		Pevey, James v. DIY			
Steven G. Pearl Mediation					
63308	EXP	Olympia	15	0.25	3.75
6/30/2020		Photocopies			
WIP		Pevey, James v. DIY			
Photocopies					
63309	EXP	Olympia	1	1.60	1.60
6/30/2020		Postage			
WIP		Pevey, James v. DIY			
Postage					
63490	EXP	Olympia	1	78.06	78.06
7/16/2020		Atty Service			
WIP		Pevey, James v. DIY			
Attorney Service - Notice of CMC					
63497	EXP	Olympia	1	77.56	77.56
7/21/2020		Atty Service			
WIP		Pevey, James v. DIY			
Attorney Service - POS of Summons					

4/4/2022
4:12 PM

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		
63596	EXP	Olympia	1	1.80	1.80
7/31/2020		Postage			
WIP		Pevey, James v. DIY			
Postage					
63595	EXP	Olympia	21	0.25	5.25
7/31/2020		Photocopies			
WIP		Pevey, James v. DIY			
Photocopies					
63946	EXP	Olympia	1	77.06	77.06
8/28/2020		Atty Service			
WIP		Pevey, James v. DIY			
Attorney Service - Joint CMS					
64070	EXP	Olympia	8	0.25	2.00
8/31/2020		Photocopies			
WIP		Pevey, James v. DIY			
Photocopies					
64071	EXP	Olympia	1	0.65	0.65
8/31/2020		Postage			
WIP		Pevey, James v. DIY			
Postage					
63749	EXP	Max Gavron	1	94.00	94.00
9/3/2020		Court fees			
WIP		Pevey, James v. DIY			
Courtcall					
64128	EXP	Olympia	1	8000.00	8000.00
9/18/2020		Arbitrators			
WIP		Pevey, James v. DIY			
Steve Pearl Mediation					
64362	EXP	Olympia	1	100.31	100.31
9/21/2020		Atty Service			
WIP		Pevey, James v. DIY			
Attorney Service - Joint Stip					
64556	EXP	Olympia	5	0.25	1.25
9/30/2020		Photocopies			
WIP		Pevey, James v. DIY			
Photocopies					
64557	EXP	Olympia	1	0.50	0.50
9/30/2020		Postage			
WIP		Pevey, James v. DIY			
Postage					

4/4/2022
4:12 PM

DIVERSITY LAW GROUP
Slip Listing

Page 3

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		
65628	EXP	Olympia	1	118.07	118.07
12/18/2020		Atty Service			
WIP		Pevey, James v. DIY			
Attorney Service - CMS					
65637	EXP	Olympia	1	113.56	113.56
12/28/2020		Atty Service			
WIP		Pevey, James v. DIY			
Attorney Service - Joint Stip					
65770	EXP	Olympia	36	0.25	9.00
12/31/2020		Photocopies			
WIP		Pevey, James v. DIY			
Photocopies					
65771	EXP	Olympia	1	1.85	1.85
12/31/2020		Postage			
WIP		Pevey, James v. DIY			
Postage					
65484	EXP	Olympia	1	94.00	94.00
1/4/2021		Court fees			
WIP		Pevey, James v. DIY			
El Dorado Superior Court Telephonic Appearance					
66408	EXP	Olympia	1	74.20	74.20
2/5/2021		Atty Service			
WIP		Pevey, James v. DIY			
Attorney Service - Notice of Entry of Order					
66409	EXP	Olympia	1	99.44	99.44
2/5/2021		Atty Service			
WIP		Pevey, James v. DIY			
Attorney Service - Request for Dismissal					
66460	EXP	Olympia	1	77.06	77.06
2/25/2021		Atty Service			
WIP		Pevey, James v. DIY			
Attorney Service - Joint Report					
66527	EXP	Olympia	1	4.00	4.00
2/28/2021		Postage			
WIP		Pevey, James v. DIY			
Postage					
66532	EXP	Olympia	3	0.25	0.75
2/28/2021		Photocopies			
WIP		Pevey, James v. DIY			
Photocopies					

4/4/2022
4:12 PM

DIVERSITY LAW GROUP
Slip Listing

Page 4

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		
66533	EXP	Olympia	1	0.51	0.51
2/28/2021		Postage			
WIP		Pevey, James v. DIY			
Postage					
66526	EXP	Olympia	60	0.25	15.00
2/28/2021		Photocopies			
WIP		Pevey, James v. DIY			
Photocopies					
66333	EXP	Max Gavron	1	94.00	94.00
3/4/2021		Court fees			
WIP		Pevey, James v. DIY			
Courtcall					
66764	EXP	Olympia	1	102.56	102.56
3/5/2021		Atty Service			
WIP		Pevey, James v. DIY			
Attorney Service - Stip & Protective Order					
67035	EXP	Olympia	1	6.96	6.96
3/31/2021		Postage			
WIP		Pevey, James v. DIY			
Postage					
67173	EXP	Olympia	1	249.56	249.56
4/16/2021		Atty Service			
WIP		Pevey, James v. DIY			
Attorney Service - Motion for Leave to file SAC					
67802	EXP	Olympia	1	77.06	77.06
6/10/2021		Atty Service			
WIP		Pevey, James v. DIY			
Attorney Service - Reply					
68362	EXP	Olympia	1	112.70	112.70
7/19/2021		Atty Service			
WIP		Pevey, James v. DIY			
Attorney Service - SAC					
68910	EXP	Olympia	1	77.06	77.06
8/26/2021		Atty Service			
WIP		Pevey, James v. DIY			
Attorney Service - Joint Report					
68843	EXP	Max Gavron	1	94.00	94.00
9/8/2021		Court fees			
WIP		Pevey, James v. DIY			
Courtcall					

4/4/2022
4:12 PM

DIVERSITY LAW GROUP
Slip Listing

Page 5

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		
69613	EXP	Olympia	1	207.56	207.56
10/27/2021		Atty Service			
WIP		Pevey, James v. DIY			
Attorney Service - Motion					
69928	EXP	Olympia	1	113.71	113.71
11/1/2021		Atty Service			
WIP		Pevey, James v. DIY			
Attorney Service - Decl iso Motion					
69785	EXP	Max Gavron	1	94.00	94.00
11/19/2021		Court fees			
WIP		Pevey, James v. DIY			
Courtcall					
71297	EXP	Olympia	1	500.00	500.00
4/4/2022		Court fees			
WIP		Pevey, James v. DIY			
Filing Fees re MFA					
Grand Total					
			Billable	0.00	18513.36
			Unbillable	0.00	0.00
			Total	0.00	18513.36