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Attorneys for Plaintiff,
KARINA MOSQUEDA, on behalf of herself and all similarly situated employees

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

KARINA MOSQUEDA, on behalf of
herself and all similarly aggrieved
employees,

Plaintiff,

v.

SANSEI GARDENS, INC.; NEW IMAGE
LANDSCAPE COMPANY; and DOES 1
through 50, inclusive,

Defendants.

Case No. 21CV000325

(Assigned to the Hon. Thomas W. Wills, Dept.
15)

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

Date: December 8, 2023

Time: 8:30 A.M.

Dept.: 15

Complaint Filed: February 3, 2021

FAC Filed: September 27, 2022

Trial Date: Not Set

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1 Administrators – distributed the Notice to 1,304 Settlement Class Members. Class Counsel
2 believes that the positive results after the mailing of the Notice support confirmation of the
3 Court’s preliminary approval of the settlement with final approval of the settlement. The
4 settlement has a 100% participation rate. In light of this positive response from Settlement
5 Class Members, an inference can be made that the Settlement Class supports the Court’s
6 Preliminary Approval Order finding that the Settlement Agreement is fair and reasonable.

7 7. There were no objections or disputes to the amount of attorneys’ fees or
8 litigation costs that Class Counsel seeks in this case and for which Plaintiff ask the Court for
9 final approval.

10 8. Timely notice of the PAGA settlement was provided to the California Labor and
11 Workforce Development Agency (“LWDA”) pursuant to Cal. Lab. Code § 2699(1)(2) and no
12 objections or disputes to the settlement by the LWDA were received by Plaintiff’s counsel.

13 9. Any remaining monies from uncashed settlement checks will be distributed to
14 the *cy pres* recipient Watsonville Law Center, a non-profit organization, in accordance with
15 Code of Civil Procedure § 384. I do not have any relationship with or connection to said
16 organization.

17 10. I have been approved as class counsel in numerous other wage/hour class actions
18 that have been granted class certification and final approval.

19 11. I am one of the primary attorneys on this matter. My qualifications are as
20 follows: I received a full-tuition scholarship, and graduated from Southwestern Law School in
21 2013, magna cum laude. I was in the top 5% of my class. During my time at Southwestern, I
22 was a Notes and Comments Editor on the Southwestern Law Review. I also received awards
23 for achieving the highest grade in my class in several courses. In 2012, I was a full-time
24 extern, at the United States District Court for the Central District. Immediately after law
25 school, I taught several courses at Southwestern, including Principles of Legal Analysis and
26 Legal Methods. I taught those courses for approximately four years.

27 12. I practiced civil litigation at Haight Brown & Bonesteel LLP from
28 approximately September 2013, through January 2016. I was third-chair in a federal court jury

1 trial that resulted in a defense verdict in our client's favor on a \$21 million commercial breach
2 of contract dispute. I also regularly litigated cases across the civil litigation spectrum,
3 including employment matters.

4 13. From February 2016, through Fall 2017, I practiced at the international law firm
5 of Arnold & Porter, which had recently merged with Kaye Scholer, LLP. I defended Fortune
6 50 companies in Multi-District Litigation primarily in the product liability sphere. I also
7 successfully drafted an appellate brief in the Ninth Circuit resulting in the reversal of a
8 summary judgment decision regarding trade secret issues, in addition to working in several
9 other practice groups.

10 14. From September 2017, through September 2018, I served as a law clerk to a
11 Judge sitting on the United States District Court, Central District of California. I regularly
12 prepared bench memoranda, on cases involving all types of civil litigation, including regularly
13 working on wage and hour class actions.

14 15. I am currently an attorney at the law firm Diversity Law Group, P.C., an
15 employment law firm that has handled numerous wage and hour class and individual actions,
16 on both plaintiff and defense sides. My current practice focuses on employment matters
17 involving both class actions, and single plaintiffs. The firm currently has cases in the Los
18 Angeles Superior Courts, the Orange County Superior Courts, the San Diego County Superior
19 Courts, and the United States District Courts for the Central, Northern, and Eastern Districts of
20 California. I am currently handling, or have handled, numerous wage and hour class action
21 lawsuits with the firm, including, but not limited to: *Agar v. Sensient Natural Ingredients, LLC*
22 (Case No. CV-19-001906, Stanislaus County Superior Court); *Heredia v. Eddie Bauer LLC*
23 (Case No. 16CV300475, United States District Court, Northern District of California);
24 *Parsons v. Estenson Logistics, LLC* (Case No. 34-2019-00252929, Sacramento County
25 Superior Court); and *Rodas v. Goodyear Tire* (Case No. 21-cv-07526, United States District
26 Court, Central District of California), among many others.

27 16. On June 14, 2019, I argued two related cases in front of the Ninth Circuit Court
28 of Appeals. One of them was *Rodriguez v Nike Retail Service Inc.*, Case No. 17-16866. On

1 June 28, 2019, the Ninth Circuit issued a published decision, reversing and remanding in favor
2 of our clients. *Rodriguez v. Nike Retail Servs., Inc.*, 928 F.3d 810 (9th Cir. 2019).

3 17. I have also assisted the firm in numerous wage and hour class action mediations.

4 18. To date, I have incurred approximately 136.9 hours in connection with the
5 litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have
6 incurred to date.

7 19. I also anticipate spending an additional 5 hours conferring and reviewing e-mails
8 and other written communications with counsel for Defendants, the Settlement Administrator,
9 and Settlement Class Members regarding post final approval matters, including payments and
10 related issues.

11 20. I typically bill my time at \$600.00 per hour and have been approved at \$600.00
12 per hour in *Weybrew v. BEI Construction*, Solano County Superior Court Case No.
13 FCS055658 (January 14, 2022), *In re See's Candies Wage and Hour Cases*, Case No.
14 JCCP5004 (March 30, 2022), Los Angeles Superior Court, *Pevey v. Lumber City Corp*, San
15 Bernardino County Superior Court Case No. CIVDS2010240 (May 2, 2022), *Anguiano v.*
16 *Mann Packing Co., Inc.*, Monterey County Superior Court Case No. 19CV001178 (August 25,
17 2022); *Ross v Stater Bros. Markets*, San Bernardino County Superior Court Case No.
18 CIVDS1902518 (September 8, 2022), and *Schneider v. Amazon Retail LLC*, Los Angeles
19 County Superior Court Case No. 21STCV26226 (December 1, 2022). Prior to that throughout
20 2020 and 2021, I was approved at an hourly rate of at \$550.00 per hour in *James v RADC*
21 *Enterprises, Inc.*, San Bernardino County Superior Court, Case No. CIV-DS1933035
22 (September 29, 2020), *Hector Luna v. Triple Canopy, Inc.*, Santa Clara County Superior
23 Court, Case No. 19CV345169 (October 22, 2020), *Melbert Magpugay v. Harbor Electronics,*
24 *Inc.*, Santa Clara County Superior Court Case No. 19CV352547 (January 27, 2021), *Foster v.*
25 *Schindler Elevator Corp.*, Alameda County Superior Court Case no. RG19029640 (March 2,
26 2021), *Martin v. Streetplus Company, LLC, et al*, Los Angeles Superior Court Case No.
27 19STCV15522 (July 13, 2021), *Morris v. Blue Mountain Enterprises, LLC*, Solano County
28 Superior Court, Case No. FCS05858 (August 4, 2021).

1 21. I believe \$600.00 per hour is a reasonable rate for my services as demonstrated
2 by the many courts throughout California approving that rate. However, in this motion, I
3 request a reduced hourly rate of \$500.00, which considers the jurisdiction where this Action
4 was litigated. Accordingly, the total lodestar for my hours will be approximately \$70,950.00
5 based on an hourly rate of \$500.00 per hour [(136.9 hours + 5 anticipated hours) x \$500].

6 22. My office has incurred costs in the amount of \$2,332.98. The costs are all
7 litigation related costs. Attached hereto as **Exhibit B** is copy of the costs incurred in
8 connection with prosecution of this lawsuit.

9 23. On May 5, 2023, Plaintiff uploaded the Order Granting Motion for Preliminary
10 Approval of Class Action Settlement to the LWDA's website. Attached hereto as **Exhibit C** is
11 a copy of the LWDA confirmation of the uploaded Order Granting Motion for Preliminary
12 Approval of Class Action Settlement.

13 24. Concurrent with the filing of this Motion, Plaintiff uploaded this motion and
14 proposed order to the LWDA's website.

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

17 Executed on this 14th day of November 2023, at Los Angeles, California.

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20 Max W. Gavron
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EXHIBIT A

Mosqueda v. Sansei Gardens, Inc.; New Image Landscape Company
Max W. Gavron Time and Task Chart

Hours	Description of Work
14.5	Initial research and review of background facts in preparation for filing of possible class action claims; review and revise PAGA letter; confer with co-counsel re theories of liability and conduct research re same; analysis and research re defendants
6.7	Conduct legal research re prevailing wages orders and applicability to projects where Defendants placed employees; conferences with client re same.
9.5	Analysis and review of arbitration agreement; conduct research re applicability to Plaintiff and claims at issue; strategy and research re potential impact of <i>Viking River Cruises</i> ; confer with co-counsel re same.
5.1	Meet and confer with defense counsel and co-counsel re tolling of statute of limitations for putative class claims; review and revise tolling agreement re same; conduct legal research re applicability of tolling and preservation of statute of limitations.
3.8	Analyze and review correspondence from defense counsel following receipt of PAGA letter; analyze and review Defendants' purported cure of PAGA violations conduct legal research re same; determine whether to respond to purported cure; analyze and review LWDA response re same.
2.9	Analyze and review client's personnel file, including time and pay records; confer with co-counsel re same and strategize re theories of liability.
10.5	Analyze and review services agreements between County of Monterey and Defendants to determine applicability of prevailing wages; confer with client re same and whether worked at particular projects subject to prevailing wage orders.
1.3	Further draft and revise initial set of written discovery to Defendants.
6.5	Analyze and review discovery propounded by Defendants to Plaintiff; confer with co-counsel re responses; analyze and review client documents to further inform responses; review and revise same; analyze and review meet and confer correspondence from defense counsel re responses; confer re further responses, review and revise same.
1.2	Confer with defense counsel re potential for mediation and information required to participate the same.
7.1	Analysis, strategy, and research re information required from defendants to participate in mediation; draft and revise data requests for defense counsel in advance of mediation; confer with co-counsel re the same.
4.9	Analyze and review policies and procedures, including, but not limited to, "Recording Hours," "Telephone Calls," "Hours of Work, Overtime, and Payday," "New Hire Orientation Packet," "Meal & Rest Period Policies;" further analyze, review, and conduct research re exemplar arbitration agreements to determine applicability to claims at issue and viability of potential class claims for individuals that signed arbitration agreements.

10.2	Analyze and review sampling of time and pay records; conduct damages analysis; confer with co-counsel re same; further review of documents produced by Defendants considering review of sampling of time and pay records; conduct further legal research in light of same.
6.8	Draft and revise mediation brief; confer with co-counsel re same; further review of Defendants' documents and legal research to finalize brief.
9.9	Prepare for and attend mediation; confer with co-counsel re same.
3.1	Follow-up conversations with defense counsel re proposed settlement; draft and revise memorandum of understanding; confer with co-counsel and mediator re same.
7.2	Review and revise settlement agreement and related documents (i.e., settlement agreement, class notice); conversations with opposing counsel re same; confer with co-counsel re terms of settlement agreement and make revisions in light of same.
1.9	Draft and revise First Amended Complaint and stipulation for leave to file same; confer with defense counsel re same; review Court's order granting leave to file First Amended Complaint.
8.5	Draft and revise Motion for Preliminary Approval and Declarations thereto; confer with co-counsel and opposing counsel re same; draft and revise supplemental declaration in support of same.
1.5	Analyze and review Court's preliminary approval order; confer with defense counsel and settlement administrator re same.
6.7	Correspond with settlement administrator regarding distribution of class notice; analyze and review reports from class administrator re distribution of notice and whether any disputes/objections/opt-outs received; correspond and confer with class members and respond to inquiries re settlement.
7.1	Draft and revise motion for final approval and supporting documents; confer with co-counsel and defense counsel re the same; confer with administrator to prepare declaration in support of final approval.
136.9	TOTAL HOURS

EXHIBIT B

11/6/2023
2:31 PM

DIVERSITY LAW GROUP
Slip Listing

Page 1

Selection Criteria

Slip Classification Open
Client (hand select) Include: Mosqueda, Karina v. Sansei
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		
67407	EXP	Erika Mejia	1	3.60	3.60
6/1/2021		Court fees			
WIP		Mosqueda, Karina v. Sansei			
Odyssey - Joint CMC Statement					
69082	EXP	Linda Lee	1	3.60	3.60
9/28/2021		Court fees			
WIP		Mosqueda, Karina v. Sansei			
Odyssey - Joint CMS					
71282	EXP	Max Gavron	1	2.28	2.28
3/29/2022		Telephone			
WIP		Mosqueda, Karina v. Sansei			
Conference Call					
71542	EXP	Olympia	1	1625.00	1625.00
4/19/2022		Arbitrators			
WIP		Mosqueda, Karina v. Sansei			
Judicate West Mediation					
72617	EXP	Erika Mejia	1	3.60	3.60
8/2/2022		Court fees			
WIP		Mosqueda, Karina v. Sansei			
Odyssey - Joint CMS					
72795	EXP	Olympia	1	300.00	300.00
8/18/2022		Arbitrators			
WIP		Mosqueda, Karina v. Sansei			
Judicate West					
73041	EXP	Erika Mejia	1	24.15	24.15
9/21/2022		Court fees			
WIP		Mosqueda, Karina v. Sansei			
Odyssey - Stip to file FAC					
73103	EXP	Erika Mejia	1	44.70	44.70
9/23/2022		Court fees			
WIP		Mosqueda, Karina v. Sansei			
Odyssey - Stip to Cont MPA Hearing					

11/6/2023
2:31 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		
73160	EXP	Erika Mejia	1	3.60	3.60
10/3/2022		Court fees			
WIP		Mosqueda, Karina v. Sansei			
Odyssey - NOE					
73162	EXP	Erika Mejia	1	3.60	3.60
10/4/2022		Court fees			
WIP		Mosqueda, Karina v. Sansei			
Odyssey - NOE					
74235	EXP	Erika Mejia	1	65.25	65.25
1/19/2023		Court fees			
WIP		Mosqueda, Karina v. Sansei			
Odyssey - MPA					
74827	EXP	Erika Mejia	1	3.60	3.60
4/6/2023		Court fees			
WIP		Mosqueda, Karina v. Sansei			
Odyssey - MG Decl iso MPA					
76513	EXP	Max Gavron	1	250.00	250.00
11/6/2023		Court fees			
WIP		Mosqueda, Karina v. Sansei			
MFA Filing Costs					
Grand Total					
			0.00		2332.98
			0.00		0.00
			0.00		2332.98

EXHIBIT C

From: [DIR PAGA Unit](#)
To: [Olympia Pena](#)
Subject: Thank you for your Court Order or Judgment Submission
Date: Friday, May 5, 2023 11:25:24 AM

05/05/2023 11:24:40 AM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Court Order or Judgment

If you have questions or concerns regarding this submission or your case, please send an email to pagainfo@dir.ca.gov.

DIR PAGA Unit on behalf of
Labor and Workforce Development Agency

Website: http://labor.ca.gov/Private_Attorneys_General_Act.htm