

B. James Fitzpatrick (SBN: 129056)
Laura L. Franklin (SBN: 282642)
FITZPATRICK & SWANSTON
555 S. Main Street
Salinas, CA 93901
Telephone: (831) 755-1311
Facsimile: (831) 755-1319

Larry W. Lee (SBN: 228175)
Max W. Gavron (SBN: 291697)
DIVERSITY LAW GROUP, P.C.
515 South Figueroa Street, Suite 1250
Los Angeles, California 90071
Telephone: (213) 488-6555
Facsimile (213) 488-6554
lwlee@diversitylaw.com
mgavron@diversitylaw.com

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 LARRY W. LEE 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

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 Karina Mosqueda (“Plaintiff”). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. The proposed settlement meets the criteria for this Court to grant final approval of this matter on a class-wide basis, as the settlement is fair, adequate, and reasonable.

3. The Joint Stipulation and Settlement of PAGA and Class Action Claims (“Settlement Agreement” or “Settlement”) was the product of negotiations between highly able and experienced attorneys on both sides who possessed the relevant data and extensive legal research which they had carefully analyzed. The Parties engaged in arm’s length negotiations.

4. Class Counsel engaged in extensive factual investigation before settling, including the exchange of written discovery and a sampling of class time and pay data, in addition to review of various policies as previously detailed.

5. I have spent significant time researching and pursuing the claims that have been alleged in this action. Based on my independent investigations and evaluations, I am of the opinion that the proposed settlement is fair, reasonable, and adequate, and is in the best interests of the Settlement Class, in light of all known facts and circumstances, and the expenses and risks inherent in litigation. The Settlement was negotiated at arm's length and was facilitated by an experienced and neutral mediator. Thus, this Settlement should be granted final approval.

6. Any remaining monies from uncashed settlement checks will be distributed to the *cypres* recipient Watsonville Law Center, in accordance with Code of Civil Procedure § 384. I do not have any relationship with or connection to said organization.

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

1 8. To date, I have incurred approximately 34.8 hours in connection with the
2 litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have
3 incurred to date.

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

8 10. Since at least 2020, I have been approved at an hourly rate of \$750.00 per hour
9 by various Courts. Examples of these Courts include the following cases: *Hernandez v. Wells*
10 *Fargo Bank*, Santa Clara County Superior Court Case No. 16CV299319, *Carrillo v. New*
11 *Balance Athletics, Inc.*, Santa Clara County Superior Court Case No. 19CV352469; *Ramirez v.*
12 *Walgreen Co.*, United States District Court, Northern District of California Case No. 18-cv-
13 03921-EJD, *Chavez v. Converse, Inc.*, United States District Court, Northern District of
14 California Case No. 15-cv-03746-NC; *Foster v. Schindler Elevator Corporation*, Alameda
15 County Superior Court Case No. RG19029640; *Foaad Hanna v. Equinix, LLC*, Santa Clara
16 County Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles
17 County Superior Court Case No. BC720144; *Mary Della Maggiora v. Watsonville Community*
18 *Hospital*, Santa Cruz County Superior Court Case No. 18CV00191; *Pittman v. Martinez Steel*
19 *Corporation*, San Bernardino County Superior Court Case No. CIVDS1823132; *Michael*
20 *Randolph v. Pacific Racing Association*, Alameda County Superior Court Case No.
21 RG18908139; *Markham v. Quik Stop Markets, Inc.*, Santa Clara County Superior Court Case
22 No.19CV341582; *Siron v. Raypak, Inc.*, Ventura County Superior Court Case No. 56-2019-
23 005279959-CU-OE-VTA; *Carter v. Kline Services, Inc.*, San Bernardino County Superior
24 Court Case No. CIVDS1828867, and *Prexxie Pascual and Arturo Fonseca v. Satellite*
25 *Healthcare, Inc.*, Santa Clara County Superior Court Case No. 19CV345211.

26 11. I was approved at an hourly rate of \$800.00 per hour in *Martinez and Acosta v.*
27 *City of Hope National Medical Center, et al.*, San Bernardino County Superior Court Case No.
28 CIVDS2015729, *Jaime Moen v. Genentech, Inc.*, San Diego County Superior Court Case No.

1 37-2021-00008619-CU-OE-CTL, *Murray v. Granite Wellness Centers et al.*, Nevada County
2 Superior Court Case No. CU20-084680, and *Smith, et al. v. Clean Harbors Environmental*
3 *Services, Inc.*, Sacramento County Superior Court Case No. 34-2021-00292526.

4 12. Although I believe \$800.00 per hour is a reasonable rate for my services, as it
5 has been approved throughout California, in this motion, I request a reduced hourly rate of
6 \$595.00, which considers the jurisdiction where this Action was litigated. Accordingly, the
7 total lodestar for my hours will be approximately \$26,656.00 based on an hourly rate of
8 \$595.00 per hour [(34.8hours + 10 anticipated hours) x \$595.00].

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

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

23 15. I have been named as class counsel in a number of class actions that have been
24 granted final approval by the Superior Courts of Los Angeles County, Orange County, San
25 Francisco County, Alameda County, Contra Costa County, Monterey County, San Bernardino
26 County, Santa Clara County, Sonoma County, and the United States District Court for the
27 Central, Eastern, and Northern Districts of California, including but not limited to the
28 following class actions: *Chan Lanier v. Citigroup, Inc. et al.*, San Francisco Superior Court

1 Case No. CGC-05-445143; *Naqvi v. Acoustic Home Loans et al.*, Orange County Superior
2 Court Case No. 05CC00263; *Ortega v. AIG*, Central District of California Case No. CV 06-
3 0196-RSWL (PJWx); *Universal Protection Overtime Cases*, Orange County Superior Court,
4 Judicial Council Coordination Proceeding No. 4480; *Tse v. Best Buy*, Los Angeles Superior
5 Court Case No. BC392717; *Hernandez v. CVS Corp. et al.*, Judicial Council Coordination
6 Proceeding No. 4539; *Padilla v. Safeway*, San Benito County Superior Court Case No. CU-16-
7 00182; *Valles v. Community Hospital of the Monterey Peninsula*, Monterey County Superior
8 Court Case No. 17CV003452; *DirecTv Wage and Hour Cases*, Santa Clara Superior Court
9 Judicial Council Coordination Proceeding No. 4850; *Perez v. Standard Drywall, Inc.*,
10 Alameda County Superior Court Case No. RG15761142; and *Davis v. Nugget Market, Inc.*,
11 Yolo County Superior Court Case No. CV-18-558.

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

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

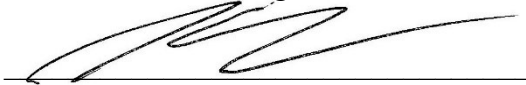
15 
16 _____
17 Larry W. Lee
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

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

Hours	Description of Work
6.1	Confer with client and co-counsel re theories of liability; legal research and strategy re same; analyze and review client documents to prepare for same.
1.1	Review and revise tolling agreement; confer with co-counsel re same.
5.1	Analyze and review Defendants' purported PAGA cure; confer with co-counsel re same; strategize re legal implications where LWDA does not provide formal response to purported cure by defendant.
3.5	Analyze and review arbitration agreements; confer with co-counsel re strategy for viability of class claims given same; confer re impact of <i>Viking River Cruises</i> .
1.1	Further revise and review Plaintiff's responses to written discovery.
2.5	Further draft and revise data requests to participate in mediation; confer with co-counsel re same.
2.6	Analyze and review policies and sampling of time and pay data produced in advance of mediation; confer with co-counsel re same; further draft and revise mediation brief considering same.
2.2	Follow up negotiations with defense counsel following mediation; confer with co-counsel re same.
3.9	Further draft and revise MOU, settlement agreement, and supporting documents.
2.5	Further draft and revise motion for preliminary approval and documents in support of same.
1.9	Confer with settlement administrator and co-counsel re distribution of notice and implementation of settlement/Court's order re preliminary approval.
2.3	Further draft and revise motion for final approval and documents in support of same.
34.8	TOTAL HOURS