

DIVERSITY LAW GROUP, P.C.
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Attorneys for Plaintiff and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

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

Plaintiff,

vs.

SAN FRANCISCO C&C/MEL'S DRIVE IN,
form unknown; and DOES 1 through 50, inclusive,

Defendants.

Case No. 20STCV41738

[Hon. Carolyn B. Kuhl, Department 12]

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

Date: June 14, 2023
Time: 10:30 a.m.
Department: 12

Complaint Filed: October 27, 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 informal discovery and class data. This allowed Plaintiff to conduct a full damage analysis.
14 The Agreement was the product of negotiation between highly able and experienced attorneys on both
15 sides who possessed the relevant data and extensive legal research which they had carefully analyzed.

16 5. The settlement in the case at bar warrants approval and carries a presumption of fairness.
17 As previously noted in the application for Preliminary Approval, this current settlement was negotiated
18 at arm’s length. I support the settlement as fair, reasonable, and adequate, and in the best interest of the
19 Class Members as a whole.

20 6. My firm has a great deal of experience in wage and hour class action litigation and has
21 been approved as class counsel in a number of class actions.

22 7. I am one of the primary attorneys on this matter. My qualifications are as follows: I
23 received my J.D. from Arizona State University College of Law in 2003. During law school, I was a
24 summer associate at the law firm of Brobeck, Phleger & Harrison. I graduated cum laude from Arizona
25 State University College of Law in the top 10% of my class. While I was in law school, I was the
26 Associate Managing Editor of the Arizona State University College of Law, Law Journal. Upon
27 graduation, I practiced law as an associate at the Los Angeles County offices of Ogletree Deakins Nash
28

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 \$12,775.37. The costs are all litigation
14 related costs, including filing fees and mediation fees. Attached hereto as **Exhibit A** is copy of the costs
15 my firm has incurred in connection with prosecution of this lawsuit.

16 10. To date, I have incurred approximately 73.7 hours in the prosecution of this matter, with
17 an hourly rate of \$800.00 per hour. I anticipate spending an additional 10.0 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 \$66,960.00. 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 March 24, 2023, 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 19th day of May 2023, at Los Angeles, California.

14 

15 _____
Larry W. Lee

EXHIBIT A

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DIVERSITY LAW GROUP
Slip Listing

Page 1

Selection Criteria

Slip Classification Open
Client (hand select) Include: Romero, Mario v. Mels Drive-In
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		
64441	EXP	Olympia	1	75.00	75.00
10/15/2020		Court fees			
WIP		Romero, Mario v. Mels Drive-			
LWDA					
64786	EXP	Olympia	1	1667.75	1667.75
10/27/2020		Atty Service			
WIP		Romero, Mario v. Mels Drive-			
Attorney Service - Complaint					
64891	EXP	Olympia	1	13.80	13.80
10/31/2020		Postage			
WIP		Romero, Mario v. Mels Drive-			
Postage					
65443	EXP	Olympia	46	0.25	11.50
11/30/2020		Photocopies			
WIP		Romero, Mario v. Mels Drive-			
Photocopies					
65444	EXP	Olympia	1	2.40	2.40
11/30/2020		Postage			
WIP		Romero, Mario v. Mels Drive-			
Postage					
65775	EXP	Olympia	46	0.25	11.50
12/31/2020		Photocopies			
WIP		Romero, Mario v. Mels Drive-			
Photocopies					
65776	EXP	Olympia	1	2.60	2.60
12/31/2020		Postage			
WIP		Romero, Mario v. Mels Drive-			
Postage					
65941	EXP	Olympia	1	53.95	53.95
1/4/2021		Atty Service			
WIP		Romero, Mario v. Mels Drive-			
Attorney Service - POS					

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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		
65940	EXP	Olympia	1	49.70	49.70
1/4/2021		Atty Service			
WIP		Romero, Mario v. Mels Drive-			
Attorney Service - Joint ISC					
65535	EXP	Simon Yang	1	15.00	15.00
1/8/2021		Court fees			
WIP		Romero, Mario v. Mels Drive-			
LACourtConnect					
65958	EXP	Olympia	1	80.09	80.09
1/8/2021		Atty Service			
WIP		Romero, Mario v. Mels Drive-			
Attorney Service - Notice of Entry of Order					
66362	EXP	Olympia	1	103.20	103.20
3/8/2021		Court fees			
WIP		Romero, Mario v. Mels Drive-			
Case Anywhere					
67487	EXP	Olympia	1	41.34	41.34
5/18/2021		Atty Service			
WIP		Romero, Mario v. Mels Drive-			
Attorney Service - Joint Status Report					
67367	EXP	Simon Yang	1	15.00	15.00
5/26/2021		Court fees			
WIP		Romero, Mario v. Mels Drive-			
LA Court Connect					
67537	EXP	Olympia	1	126.00	126.00
6/8/2021		Court fees			
WIP		Romero, Mario v. Mels Drive-			
Case Anywhere					
68735	EXP	Olympia	1	132.00	132.00
9/8/2021		Court fees			
WIP		Romero, Mario v. Mels Drive-			
Case Anywhere					
69103	EXP	Olympia	1	12.07	12.07
10/1/2021		Court fees			
WIP		Romero, Mario v. Mels Drive-			
ACE E Filing - Notice of Minute Order					
70074	EXP	Olympia	1	126.00	126.00
12/9/2021		Court fees			
WIP		Romero, Mario v. Mels Drive-			
Case Anywhere					

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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		
70764	EXP	Olympia	1	9000.00	9000.00
2/17/2022		Arbitrators			
WIP		Romero, Mario v. Mels Drive-			
Lynn S. Frank Mediation					
70959	EXP	Olympia	1	120.00	120.00
3/7/2022		Court fees			
WIP		Romero, Mario v. Mels Drive-			
Case Anywhere					
71596	EXP	Erika Mejia	1	14.02	14.02
4/5/2022		Court fees			
WIP		Romero, Mario v. Mels Drive-			
ACE E Filing - Joint CMS					
72247	EXP	Olympia	1	120.00	120.00
6/24/2022		Court fees			
WIP		Romero, Mario v. Mels Drive-			
Case Anywhere					
72346	EXP	Erika Mejia	1	14.02	14.02
7/6/2022		Court fees			
WIP		Romero, Mario v. Mels Drive-			
ACE E Filing - Joint Status Report					
72875	EXP	Erika Mejia	1	14.02	14.02
9/1/2022		Court fees			
WIP		Romero, Mario v. Mels Drive-			
ACE E Filing - Status Report					
73254	EXP	Olympia	1	126.00	126.00
10/10/2022		Court fees			
WIP		Romero, Mario v. Mels Drive-			
Case Anywhere					
73441	EXP	Erika Mejia	1	14.02	14.02
10/31/2022		Court fees			
WIP		Romero, Mario v. Mels Drive-			
ACE E Filing - Status Report					
73858	EXP	Olympia	1	126.00	126.00
12/9/2022		Court fees			
WIP		Romero, Mario v. Mels Drive-			
Case Anywhere					
73893	EXP	Erika Mejia	1	76.82	76.82
12/16/2022		Court fees			
WIP		Romero, Mario v. Mels Drive-			
ACE E Filing - MPA					

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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		
74109	EXP	Olympia	1	89.49	89.49
12/27/2022		Atty Service			
WIP		Romero, Mario v. Mels Drive-			
Attorney Service - Chamber Copy					
74327	EXP	Erika Mejia	1	15.02	15.02
2/6/2023		Court fees			
WIP		Romero, Mario v. Mels Drive-			
ACE E Filing - Decl of SLY & Amendment to Settlement					
74517	EXP	Olympia	1	15.02	15.02
2/28/2023		Court fees			
WIP		Romero, Mario v. Mels Drive-			
ACE E Filing - Proposed Order					
74621	EXP	Olympia	1	162.00	162.00
3/9/2023		Court fees			
WIP		Romero, Mario v. Mels Drive-			
Case Anywhere					
74738	EXP	Olympia	1	15.02	15.02
3/24/2023		Court fees			
WIP		Romero, Mario v. Mels Drive-			
ACE E Filing - Order Granting Motion for Approval of Settlement					
74745	EXP	Olympia	1	15.02	15.02
3/24/2023		Court fees			
WIP		Romero, Mario v. Mels Drive-			
ACE E Filing - NOE					
75135	EXP	Simon Yang	1	300.00	300.00
5/17/2023		Court fees			
WIP		Romero, Mario v. Mels Drive-			
Filing Fees					
Grand Total					
			0.00		12775.37
			0.00		0.00
			0.00		12775.37

EXHIBIT B

Time and Task Summary
for Romero v. San Francisco C&C dba Mel's Drive In
Larry W. Lee

Description of Work	Hours
Review client documents and background information; confer with client re work place issues	8.4
Review and revise complaint and PAGA letters	3.3
Review and revise joint reports; meet and confer re same	3.4
Research and review prior wage/hour lawsuits against Defendant	2.7
Review and revise draft of first set of discovery to Defendant	4.3
Review first set of discovery from Defendant; review and revise responses to same	8.6
Review class data and documents produced by Defendant for mediation	12.8
Review and revise mediation brief; attend same; substantial follow up discussions re same	11.4
Review and revise settlement agreement; confer with counsel re changes to same; confer with client re same	5.3
Review and revise Motion for Preliminary Approval and supporting documents; prepare supplemental documents and briefs re same; confer with counsel and client re same	4.1
Confer with class members re settlement issues	5.9
Review and revise Motion for Final Approval and supporting documents	3.5
TOTAL	73.7