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Attorneys for Plaintiff,
YANNET JIMENEZ on behalf of herself and all similarly situated employees

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

YANNET JIMENEZ on behalf of herself
and all similarly situated employees,

v.

SAMBRAILO PACKAGING; and DOES 1
through 50, inclusive,

Defendants.

Case No. 20CV003281

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

Date: November 3, 2023
Time: 8:30 a.m.
Dept: 15

Complaint Filed: December 7, 2020
FAC Filed: April 18, 2023
Trial Date: Not Set

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1 distribution of the Notice of Pendency of Class Action (“Notice”) and scheduling the hearing
2 for final approval of the settlement (the “Preliminary Approval Order”). As directed by the
3 Court, the Settlement Administrator selected by the Parties – Phoenix Settlement
4 Administrators – distributed the Notice to 1,235 Settlement Class Members. Class Counsel
5 believes that the positive results after the mailing of the Notice support confirmation of the
6 Court’s preliminary approval of the settlement with final approval of the settlement. The
7 settlement has a 100% participation rate. In light of this positive response from Settlement
8 Class Members, an inference can be made that the Settlement Class supports the Court’s
9 Preliminary Approval Order finding that the Settlement Agreement is fair and reasonable.

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

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

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

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

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

1 Legal Methods. I taught those courses for approximately four years.

2 12. I practiced civil litigation at Haight Brown & Bonesteel LLP from
3 approximately September 2013, through January 2016. I was third-chair in a federal court jury
4 trial that resulted in a defense verdict in our client's favor on a \$21 million commercial breach
5 of contract dispute. I also regularly litigated cases across the civil litigation spectrum,
6 including employment matters.

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

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

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

1 Court, Central District of California), among many others.

2 16. On June 14, 2019, I argued two related cases in front of the Ninth Circuit Court
3 of Appeals. One of them was *Rodriguez v Nike Retail Service Inc.*, Case No. 17-16866. On
4 June 28, 2019, the Ninth Circuit issued a published decision, reversing and remanding in favor
5 of our clients. *Rodriguez v. Nike Retail Servs., Inc.*, 928 F.3d 810 (9th Cir. 2019).

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

7 18. To date, I have incurred approximately 286.8 hours in connection with the
8 litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have
9 incurred to date.

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

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

2021), *Martin v. Streetplus Company, LLC, et al*, Los Angeles Superior Court Case No. 19STCV15522 (July 13, 2021), *Morris v. Blue Mountain Enterprises, LLC*, Solano County Superior Court, Case No. FCS05858 (August 4, 2021).

21. I believe \$600.00 per hour is a reasonable rate for my services as demonstrated by the many courts throughout California approving that rate. However, in this motion, I request a reduced hourly rate of \$500.00, which considers the jurisdiction where this Action was litigated. Accordingly, the total lodestar for my hours will be approximately \$145,900.00 based on an hourly rate of \$500.00 per hour [(286.8 hours + 5 anticipated hours) x \$500].

22. My office has incurred costs in the amount of \$19,495.84. The costs are all litigation related costs. Attached hereto as **Exhibit B** is copy of the costs incurred in connection with prosecution of this lawsuit.

23. On July 14, 2023, Plaintiff uploaded the Order Granting Motion for Preliminary Approval of Class Action Settlement to the LWDA's website. Attached hereto as **Exhibit C** is a copy of the LWDA confirmation of the uploaded Order Granting Motion for Preliminary Approval of Class Action Settlement.

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

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

Executed on this 12th day of October 2023, at Los Angeles, California.



Max W. Gavron

EXHIBIT A

Jimenez v. Sambrailo Packaging
Max W. Gavron Time and Task Chart

Hours	Description of Work
16.2	Review case file; confer with co-counsel re lawsuit theories; legal research re same; interviews with client and co-workers.
3.1	Draft and revise complaint and PAGA letter; analyze and review Defendant's answer; legal research re same.
1.2	Confer with defense counsel re initial case management conference; draft and revise statement re same.
4.2	Draft first set of written discovery to defendant; confer with counsel re same.
6.9	Analyze and review responses to first set of written discovery; summarize same; meet and confer with defense counsel re same.
30.8	Analyze, review, and summarize Defendant's document production consisting of over 27,000 pages; confer with co-counsel re same; analysis and strategy re theories of liability given review of same.
1.1	Analyze and review supplemental responses of Defendant to first set of discovery to determine whether further meet and confer necessary.
2.6	Draft and revise notice of deposition of person most qualified ("PMQ"); confer with co-counsel re same; analyze and review file re same; analyze and review Defendant's objections to notice of deposition; prepare outline to meet and confer re objections and confer with co-counsel re same.
15.8	Draft and revise deposition outline for deposition of PMQ; review file in preparation for same; select exhibits to be used at deposition.
10.2	Depose Defendant's PMQ; confer with co-counsel re same; summarize important points following deposition for analysis and strategy re further discovery following deposition.
2.4	Draft and revise second set of written discovery following PMQ deposition; analyze and review transcript for purposes of same.
6.2	Confer with defense counsel re first mediation with Mike Masuda, Esq.; correspond re same; draft and revise list of information requested to analyze exposure and prepare for mediation; confer with co-counsel re same.
11.8	Analyze and review sampling and documents provided in anticipation of mediation; confer with consultant and co-counsel re analysis of same; develop damages model; draft and revise mediation brief; conduct legal research re same.
9.1	Prepare for and attend mediation with Masuda on two separate days; confer with co-counsel re same.
2.1	Follow-up discussions with co-counsel after failed mediation; strategize re further litigation; develop outline of next steps to prosecute action.
4.6	Confer with co-counsel re strategy for taking deposition of Adrianna Cruz; further draft and revise outline re deposition of same.
3.1	Analyze and review deposition transcript of Adrianna Cruz.

3.4	Confer with co-counsel re strategy for defending deposition of Plaintiff; prepare Plaintiff for same.
2.9	Analyze and review deposition transcript of Plaintiff.
3.5	Draft and revise third set of written discovery following depositions; analyze and review file to prepare same; analyze and review Defendant's responses re same.
7.2	Draft and revise subpoena to The Personnel Office to obtain records and take depo of PMQ re training on wage and hour issues provided to Defendant's HR employees; draft and revise correspondence re same; meet and confer with defense counsel re same.
1.7	Confer with defense counsel and draft/revise stipulation re Defendant's rounding practices.
2.8	Further draft and revise ex parte application to continue class certification hearing date; confer with defense counsel and co-counsel re same; analyze and review opposition re same.
6.7	Draft and revise motion for leave to amend and supporting documents; draft and revise proposed first amended complaint; confer with defense counsel and co-counsel re same.
38.2	Draft and revise Motion for Class Certification and supporting documents; conduct legal research re same; analyze and review deposition transcripts re same; confer with client re same.
15.1	Analyze and review Opposition to Motion for Class Certification; conduct legal research re same; draft and revise Reply and objections iso Motion for Class Certification; confer with co-counsel re same.
1.9	Prepare for and attend hearing on class certification and motion to amend.
2.3	Meet and confer with defense counsel re order granting class certification and re order on motion to amend; draft and revise stipulation to re same; confer with co-counsel re same.
3.4	Correspond with third-party administrator following class certification; meet and confer with defense counsel re format of notice; confer with TPA to distribute notice to class.
8.9	Field calls and responses from class members following notice process; confer with co-counsel re same.
1.7	Confer with defense counsel re second mediation; draft and revise updated data request in advance of mediation; confer with co-counsel re same.
3.6	Analyze and review updated data to prepare for second mediation; confer with co-counsel re same; draft and revise updated mediation brief.
11.2	Prepare for and attend second mediation with Deborah Crandall Saxe; confer with co-counsel re same.
1.4	Further discussions and strategy re settlement following mediation; confer with co-counsel and mediator re same and re proposed term sheet to memorialize deal.
10.7	Draft and revise long form settlement agreement and supporting documents; review and revise same; confer with counsel re same.

7.6	Draft Motion for Preliminary Approval and supporting documents; review and revise same; confer with counsel re same
13.1	Confer with administrator re distribution of notice; respond to inquiries from class members re settlement following distribution of notice; confer with co-counsel and defense counsel re same.
8.1	Draft and revise motion for final approval and supporting documents; confer with co-counsel re same.
286.8	TOTAL HOURS

EXHIBIT B

10/12/2023
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DIVERSITY LAW GROUP
Slip Listing

Page 1

Selection Criteria

Slip Classification Open
Client (hand select) Include: Jimenez, Yannett v. Sambrailo
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		
69479	EXP	Olympia	1	3.60	3.60
10/26/2021		Court fees			
WIP		Jimenez, Yannett v. Sambrail			
Odyssey - Joint CMS					
69695	EXP	Olympia	1	1300.00	1300.00
11/5/2021		Experts			
WIP		Jimenez, Yannett v. Sambrail			
JTC Corporation					
70168	EXP	Linda Lee	1	3.60	3.60
12/27/2021		Court fees			
WIP		Jimenez, Yannett v. Sambrail			
Odyssey - Joint CMS					
71623	EXP	Olympia	1	1130.55	1130.55
5/3/2022		Transcript/DEP			
WIP		Jimenez, Yannett v. Sambrail			
Steno - Deposition Transcript of Linda Shutts					
71770	EXP	Olympia	1	1130.65	1130.65
5/12/2022		Transcript/DEP			
WIP		Jimenez, Yannett v. Sambrail			
Steno - Deposition Transcript of Adriana Cruz					
72195	EXP	Erika Mejia	1	24.15	24.15
6/14/2022		Court fees			
WIP		Jimenez, Yannett v. Sambrail			
Odyssey - Joint Stip re Def's Practices					
73278	EXP	Linda Lee	1	201.25	201.25
9/9/2022		Atty Service			
WIP		Jimenez, Yannett v. Sambrail			
Attorney Service - Depo Subpoena					
73285	EXP	Erika Mejia	1	409.14	409.14
9/16/2022		Atty Service			
WIP		Jimenez, Yannett v. Sambrail			
Attorney Service - Motion for Class					

10/12/2023
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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		
Certification Service					
73014	EXP	Erika Mejia	1	65.25	65.25
9/16/2022		Court fees			
WIP		Jimenez, Yannett v. Sambrail			
Odyssey - Motion for Leave to file FAC					
73015	EXP	Erika Mejia	1	65.25	65.25
9/16/2022		Court fees			
WIP		Jimenez, Yannett v. Sambrail			
Odyssey - Motion for Class Certification					
73017	EXP	Erika Mejia	1	3.60	3.60
9/19/2022		Court fees			
WIP		Jimenez, Yannett v. Sambrail			
Odyssey - Amended Notice of Hearing					
73113	EXP	Valeria Tril	1	3.60	3.60
9/26/2022		Court fees			
WIP		Jimenez, Yannett v. Sambrail			
Odyssey - Notice of Remote Appearance					
73117	EXP	Erika Mejia	1	3.60	3.60
9/27/2022		Court fees			
WIP		Jimenez, Yannett v. Sambrail			
Odyssey - Amended Prop Order re Ex Parte					
73464	EXP	Olympia	1	35.66	35.66
10/4/2022		Delivery serv			
WIP		Jimenez, Yannett v. Sambrail			
Federal Express					
73238	EXP	Erika Mejia	1	3.60	3.60
10/7/2022		Court fees			
WIP		Jimenez, Yannett v. Sambrail			
Odyssey - Reply iso Motion for Class Certification					
73366	EXP	Valeria Tril	1	3.60	3.60
10/14/2022		Court fees			
WIP		Jimenez, Yannett v. Sambrail			
Odyssey - Notice of Remote Appearance					
73466	EXP	Olympia	1	36.34	36.34
10/21/2022		Delivery serv			
WIP		Jimenez, Yannett v. Sambrail			
Federal Express					

10/12/2023
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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		
73566	EXP	Olympia	1	48.75	48.75
11/14/2022		Atty Service			
WIP		Jimenez, Yannett v. Sambrail			
Attorney Service - The Personnel Office					
73626	EXP	Linda Lee	1	44.70	44.70
11/28/2022		Court fees			
WIP		Jimenez, Yannett v. Sambrail			
Odyssey - Joint Stip re Class Cert Order & FAC					
74088	EXP	Linda Lee	1	237.25	237.25
12/9/2022		Atty Service			
WIP		Jimenez, Yannett v. Sambrail			
Attorney Service - Deposition Subpoena for Personal Appearance to The Personnel Office					
73914	EXP	Linda Lee	1	3.60	3.60
12/21/2022		Court fees			
WIP		Jimenez, Yannett v. Sambrail			
Odyssey - Amended Prop Order re Class Cert					
74068	EXP	Olympia	1	34.76	34.76
12/22/2022		Delivery serv			
WIP		Jimenez, Yannett v. Sambrail			
Federal Express					
74490	EXP	Olympia	1	11475.00	11475.00
2/22/2023		Arbitrators			
WIP		Jimenez, Yannett v. Sambrail			
JAMS Mediation					
74727	EXP	Erika Mejia	1	24.15	24.15
3/23/2023		Court fees			
WIP		Jimenez, Yannett v. Sambrail			
Odyssey - Joint Stip to file FAC					
74920	EXP	Erika Mejia	1	3.60	3.60
4/18/2023		Court fees			
WIP		Jimenez, Yannett v. Sambrail			
Odyssey - FAC & NOE					
74986	EXP	Olympia	1	1050.00	1050.00
4/27/2023		Experts			
WIP		Jimenez, Yannett v. Sambrail			
JTC Corporation					

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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		
75411	EXP	Erika Mejia	1	65.25	65.25
6/7/2023		Court fees			
WIP		Jimenez, Yannett v. Sambrail			
Odyssey - MPA					
75474	EXP	Erika Mejia	1	3.60	3.60
6/8/2023		Court fees			
WIP		Jimenez, Yannett v. Sambrail			
Odyssey - MPA					
75543	EXP	Valeria Tril	1	3.60	3.60
6/29/2023		Court fees			
WIP		Jimenez, Yannett v. Sambrail			
Odyssey - Notice of Remote Appearance					
75608	EXP	Olympia	1	1828.14	1828.14
7/7/2023		Other expenses			
WIP		Jimenez, Yannett v. Sambrail			
Phoenix Class Action Administrators					
76283	EXP	Max Gavron	1	250.00	250.00
10/6/2023		Court fees			
WIP		Jimenez, Yannett v. Sambrail			
MFA Filing Fees					
Grand Total					
			Billable	0.00	19495.84
			Unbillable	0.00	0.00
			Total	0.00	19495.84

EXHIBIT C

From: [DIR PAGA Unit](#)
To: [Olympia Pena](#)
Subject: Thank you for your Court Order or Judgment Submission
Date: Friday, July 14, 2023 3:48:44 PM

07/14/2023 03:48:27 PM

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