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Attorneys for Plaintiff and the Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SOLANO**

LOUIS WEYBREW, as an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

BEI CONSTRUCTION, INC.; and DOES 1
through 50, inclusive,

Defendants.

Case No.: FCS055658

[Assigned for all purposes to the Hon. E.
Bradley Nelson, Department 4]

**DECLARATION OF HOWARD L.
MAGEE IN SUPPORT OF PLAINTIFF'S
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: November 4, 2021
Time: 9:00 a.m.
Dept.: 4

Complaint Filed: November 10, 2020
FAC Filed: January 13, 2021
Trial Date: None Set

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I, Howard L. Magee, 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 Named Plaintiff Louis Weybrew (“Plaintiff”). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. From the inception of the case, Class Counsel has zealously represented the interests of the Class. The settlement was obtained for the benefit of the Class, as opposed to the individual Class Representative. Further, Class Counsel have been approved as class counsel on a number of prior cases, have litigated numerous other class action cases, and are competent to represent the Class.

3. Both Plaintiff's and Defendant's counsel have a great deal of experience in wage and hour class action litigation. Plaintiff's counsel has been approved as class counsel in a number of wage and hour class actions and have extensive litigation experience.

4. Based on my review of all the information, and based on my experience in class action litigation, I believe this settlement to be fair, adequate, and reasonable.

5. Any remaining monies from uncashed settlement checks will be distributed to Legal Aid at Work. Plaintiff's counsel does not have any relationship or connection with or to Legal Aid at Work.

6. I am one of the attorneys on this matter. My qualifications are as follows: I received my J.D. from The University of Southern California Gould School of Law in 1996. Upon graduation, I practiced law in the Labor and Employment Group as an associate at the Los Angeles office of Brobeck, Phleger and Harrison, LLP. After approximately 7 ½ years of practice at Brobeck, Phleger and Harrison, LLP, I was responsible for opening up the Los Angeles office of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., a national employment defense law firm that represents a significant number of Fortune 500 companies. I practiced law at Ogletree, Deakins, Nash, Smoak & Stewart as a Partner until 2009 when I joined Diversity Law Group, P.C., as a Partner.

7. I have been named as Class Counsel in a number of class actions that have been granted final approval, including the following Class Actions: *Kosal So v. Owens-Brockway Glass Container, Inc.*, Los Angeles County Superior Court Case No. BC608609; *Ramon Singley v. BLS Limousine Service of Los Angeles, Inc.*, Los Angeles County Superior Court Case No. BC619822; and *Hernando Barbosa v. Kelly Services, Inc.*, Monterey County Superior Court Case No. M133109.

8. My co-counsel and I will adequately represent the Class Members in this action. Plaintiff's counsel have and will zealously represent Plaintiff and the Class and pursue this lawsuit to its conclusion.

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

Executed on this 15th day of September 2021, at Los Angeles, California.

Howard L. Magee