

Larry W. Lee (State Bar No. 228175)
Kwanporn "Mai" Tulyathan (State Bar No. 316704)
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Attorneys for Plaintiff, the Class, and Aggrieved Employees

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

CARL HANEY, as an individual and on behalf
of all others similarly situated,

Plaintiff,

vs.

PENINSULA PACKAGING, LLC, a
California limited liability company; and
DOES 1 through 50, inclusive,

Defendants.

Case No.: VCU285695

[Assigned for all purposes to the Hon. Bret
D. Hillman, Dept. 7]

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

Date: December 6, 2022

Time: 8:30 A.M.

Dept.: 7

Complaint Filed: January 25, 2021

FAC Filed: January 6, 2022

Trial Date: None Set

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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 Named Plaintiff Carl Haney (“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 Settlement Agreement was the product of arm's length negotiations between highly able and experienced attorneys on both sides who possessed the relevant data and extensive legal research which they had carefully analyzed. Class Counsel engaged in extensive factual investigation before settling, including the exchange of informal discovery and reviewing class data produced by Defendant. This allowed Plaintiff to conduct a full damage analysis. This current settlement was negotiated at arm's length after a full day of mediation with neutral Louis Marlin, Esq. and significant discussions thereafter.

4. 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 Class Members, in light of all known facts and circumstances, and the expenses and risks inherent in litigation. Indeed, when it was discovered that the Settlement Class was more than 2 times the size of the original group, the Parties met and conferred at length and had to amend the Settlement Agreement, and in particular, to increase the settlement amount, to ensure that all Settlement Class Members' settlement amounts were not diluted.

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

6. My qualifications are as follows: I received my JD from Arizona State University College of Law in 2003. During law school, I was a summer associate at the law

1 firm of Brobeck, Phleger & Harrison. I graduated cum laude from Arizona State University
2 College of Law in the top 10% of my class. While I was in law school, I was the Associate
3 Managing Editor of the Arizona State University College of Law, Law Journal. For more than
4 one and one-half years after graduating from law school, I practiced law as an associate at the
5 Los Angeles County offices of Ogletree Deakins Nash Smoak & Stewart, P.C., a national
6 employment defense law firm, representing Fortune 500 companies in employment matters,
7 including wage and hour class actions.

8 7. My primary practice is employment law. I have handled a number of wage and
9 hour matters including class actions and individual actions, on both plaintiff and defense sides.
10 I have a practice that encompasses cases throughout the State of California, including but not
11 limited to the Los Angeles Superior Courts, the Orange County Superior Courts, the San
12 Francisco County Superior Courts, the San Diego County Superior Courts, and the United
13 States District Courts for the Central, Eastern, Northern, and Southern Districts of California. I
14 have been named as Class Counsel in a number of class actions that have been granted final
15 approval by the Superior Courts of Los Angeles County, Orange County, San Francisco
16 County, Alameda County, Contra Costa County, Monterey County, San Bernardino County,
17 Santa Clara County, Sonoma County, and the United States District Court for the Central,
18 Eastern, and Northern Districts of California, including but not limited to the following class
19 actions: *Chan Lanier v. Citigroup, Inc. et al.*, San Francisco Superior Court Case No. CGC-05-
20 445143; *Naqvi v. Acoustic Home Loans et al.*, Orange County Superior Court Case No.
21 05CC00263; *Ortega v. AIG*, Central District of California Case No. CV 06-0196-RSWL
22 (PJWx); *Universal Protection Overtime Cases*, Orange County Superior Court Case No. JCCP
23 4480; *Tse v. Best Buy*, Los Angeles Superior Court Case No. BC392717; and *Hernandez v.*
24 *CVS Corporation*, Los Angeles Superior Court Case No. JCCP 4539.

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

27 9. To date, I have incurred approximately 74.3 hours in connection with the
28 litigation of this lawsuit. Attached hereto as **Exhibit A** is a chart summarizing the amount of

1 work I have incurred to date on this matter.

2 10. In addition to the hours above, I also anticipate spending an additional 10 hours
3 through the completion of this case including conferring and reviewing e-mails and other
4 written communications with counsel for Defendants, the Settlement Administrator, and Class
5 Members regarding any post-final approval matters, including payments and related issues.

6 11. Thus, I anticipate the total amount of my fees incurred in this case to be
7 approximately \$63,225.00, based on an hourly rate of \$750.00 per hour. Since at least 2018, I
8 have been approved at an hourly rate of \$700.00 per hour by various Courts, in a number of
9 matters, including *Stafford v. Brinks et al.*, Los Angeles County Superior Court Case No.
10 BC532260; *Chavez v. Kenneth Cole Productions, Inc.*, Santa Clara Superior Court Case No.
11 17CV306407; *Chavez v. Adidas*, U.S. District Court for the Northern District of California
12 Case No. 5:16-cv-06533-LHK; *Mankin v. Taste Catering*, San Mateo Superior Court Case No.
13 17-CIV-03497; *Ricardo Macias v. SASCO*, Santa Clara County Superior Court Case No.
14 16CV304263; *Valles v. Community Hospital of the Monterey Peninsula*, Monterey Superior
15 Court Case No. 17CV003452; *Diaz v. WeDriveU*, Santa Clara Superior Court Case No.
16 17CV306547; *Sanchez v. American Para Professional Systems, Inc.*, Santa Clara County
17 Superior Court Case No. 17CV306751; *Hernandez v. Pei Wei*, United States District Court,
18 Central District of California Case No. 8:17-cv-00679-JLS-JCG; *Song v. THC-Orange County,*
19 *Inc.*, U.S. District Court for the Central District of California Case No. 8:17-cv00965-JLS-
20 DFMx; *Perez v. Standard Drywall, Inc.*, Alameda County Superior Court Case No.
21 RG15761142; *Huertas v. Chevron Stations*, Santa Clara Superior Court Case No.
22 17CV309996; and *In re DirecTv Wage and Hour Cases*, JCCP Case No. 4850.

23 12. As of 2020, I increased my hourly rate to \$750.00 per hour. I have been
24 approved at \$750.00 per hour by various courts, including: *Hernandez v. Wells Fargo Bank*,
25 Santa Clara County Superior Court Case No. 16CV299319, *Carrillo v. New Balance Athletics,*
26 *Inc.*, Santa Clara County Superior Court Case No. 19CV352469; *Ramirez v. Walgreen Co.*,
27 United States District Court, Northern District of California Case No. 18-cv-03921-EJD,
28 *Chavez v. Converse, Inc.*, United States District Court, Northern District of California Case

1 No. 15-cv-03746-NC; *Foster v. Schindler Elevator Corporation*, Alameda County Superior
2 Court Case No. RG19029640; *Foaad Hanna v. Equinix, LLC*, Santa Clara County Superior
3 Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles County Superior
4 Court Case No. BC720144; *Mary Della Maggiora v. Watsonville Community Hospital*, Santa
5 Cruz County Superior Court Case No. 18CV00191; *Pittman v. Martinez Steel Corporation*,
6 San Bernardino County Superior Court Case No. CIVDS1823132; *Michael Randolph v. Pacific*
7 *Racing Association*, Alameda County Superior Court Case No. RG18908139; *Markham v.*
8 *Quik Stop Markets, Inc.*, Santa Clara Superior Court Case No. 19CV341582; *Siron v. Raypak,*
9 *Inc.*, Ventura Superior Court Case No. 56-2019-005279959-CU-OE-VTA; *Carter v. Kline*
10 *Services, Inc.*, San Bernardino Superior Court Case No. CIVDS1828867, and *Prexxie Pascual*
11 *and Arturo Fonseca v. Satellite Healthcare, Inc.*, Santa Clara Superior Court Case No.
12 19CV345211.

13 13. My office has incurred costs in the amount of \$11,496.75. The costs are all
14 litigation related costs, including but not limited to, filing and service fees, postage fees,
15 CourtCall fees, and costs associated with mediation. Attached hereto as **Exhibit B** is copy of
16 the costs incurred in connection with prosecution of this lawsuit.

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

19 Executed on this 7th day of November 2022, at Los Angeles, California.

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22 _____
23 Larry W. Lee
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EXHIBIT A

**Haney v Peninsula Packaging
Time and Task Chart for Larry W. Lee**

Hours	Description of Work
3.1	Review client documents and employer background; prepare PAGA letter
1.3	Review and revise complaint
11.8	Review demurrer to complaint; review and revise opposition to same; review reply to same; legal research re same; meet and confer with counsel re same
1.4	Review and revise FAC; meet and confer re same
2.1	Review and revise draft discovery requests
1.2	Confer with counsel re settlement issues and class data
4.1	Review class data and damage analysis
14.3	Review and revise mediation brief, legal research re same; attend mediation
2.2	Review and revise Motion for Preliminary Approval and supporting documents thereto
6.6	Review Court orders re preliminary approval; review and revise amendment to settlement agreement; review and revise supplemental brief and declarations for same; meet and confer with opposing counsel re same
7.3	Review settlement class data provided to settlement administrator; meet and confer with defense counsel re same; meet and confer with mediator re additional settlement funds
9.7	Draft amended settlement agreement; draft ex parte to approve same; meet and confer with defense counsel re same; appear at ex parte
2.3	Confer with class members re settlement issues
6.8	Draft motion for final approval; confer with defense counsel and administrator re same; prepare exhibits for same
74.3	TOTAL HOURS

EXHIBIT B

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DIVERSITY LAW GROUP
Slip Listing

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Selection Criteria

Slip.Classification Open
Client (hand select) Include: Haney, Carl v. Peninsula
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		
65270	EXP	Olympia	1	75.00	75.00
12/16/2020		Court fees			
WIP		Haney, Carl v. Peninsula			
LWDA					
65749	EXP	Olympia	1	6.90	6.90
12/31/2020		Postage			
WIP		Haney, Carl v. Peninsula			
Postage					
65811	EXP	Olympia	1	437.50	437.50
1/25/2021		Court fees			
WIP		Haney, Carl v. Peninsula			
Tulare Superior Court - Complaint					
65832	EXP	Olympia	1	1000.00	1000.00
1/27/2021		Court fees			
WIP		Haney, Carl v. Peninsula			
Complex Fees					
66399	EXP	Olympia	1	101.04	101.04
2/3/2021		Atty Service			
WIP		Haney, Carl v. Peninsula			
Attorney Service - Complaint Service					
66433	EXP	Olympia	1	171.75	171.75
2/18/2021		Atty Service			
WIP		Haney, Carl v. Peninsula			
Attorney Service - POS of Summons					
67171	EXP	Olympia	1	175.75	175.75
4/14/2021		Atty Service			
WIP		Haney, Carl v. Peninsula			
Attorney Service - Opposition					
67937	EXP	Olympia	1	30.95	30.95
4/14/2021		Delivery serv			
WIP		Haney, Carl v. Peninsula			
Federal Express					

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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		
67466	EXP	Olympia	1	174.75	174.75
5/10/2021		Atty Service			
WIP		Haney, Carl v. Peninsula			
Attorney Service - CMS					
67368	EXP	Mai Tulyathan	1	94.00	94.00
5/25/2021		Court fees			
WIP		Haney, Carl v. Peninsula			
Courtcall					
67676	EXP	Olympia	7	0.25	1.75
5/31/2021		Photocopies			
WIP		Haney, Carl v. Peninsula			
Photocopies					
67677	EXP	Olympia	1	0.71	0.71
5/31/2021		Postage			
WIP		Haney, Carl v. Peninsula			
Postage					
68226	EXP	Olympia	1	7000.00	7000.00
7/27/2021		Arbitrators			
WIP		Haney, Carl v. Peninsula			
Louis Marlin Mediation					
69572	EXP	Christine Choo	1	174.75	174.75
10/7/2021		Atty Service			
WIP		Haney, Carl v. Peninsula			
Attorney Service - CMS					
69647	EXP	Olympia	7	0.25	1.75
10/31/2021		Photocopies			
WIP		Haney, Carl v. Peninsula			
Photocopies					
69648	EXP	Olympia	1	1.06	1.06
10/31/2021		Postage			
WIP		Haney, Carl v. Peninsula			
Postage					
69975	EXP	Olympia	1	184.75	184.75
11/18/2021		Atty Service			
WIP		Haney, Carl v. Peninsula			
Attorney Service - CMS					
70016	EXP	Olympia	7	0.25	1.75
11/30/2021		Photocopies			
WIP		Haney, Carl v. Peninsula			
Photocopies					

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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		
70017	EXP	Olympia	1	0.53	0.53
11/30/2021		Postage			
WIP		Haney, Carl v. Peninsula			
Postage					
69845	EXP	Mai Tulyathan	1	94.00	94.00
12/3/2021		Court fees			
WIP		Haney, Carl v. Peninsula			
Courtcall					
70556	EXP	Christine Choo	1	209.75	209.75
1/5/2022		Atty Service			
WIP		Haney, Carl v. Peninsula			
Attorney Service - Joint Stip					
70833	EXP	Olympia	15	0.25	3.75
1/31/2022		Photocopies			
WIP		Haney, Carl v. Peninsula			
Photocopies					
70834	EXP	Olympia	1	1.16	1.16
1/31/2022		Postage			
WIP		Haney, Carl v. Peninsula			
Postage					
71032	EXP	Olympia	1	187.75	187.75
2/14/2022		Atty Service			
WIP		Haney, Carl v. Peninsula			
Attorney Service - CMS					
71149	EXP	Olympia	7	0.25	1.75
2/28/2022		Photocopies			
WIP		Haney, Carl v. Peninsula			
Photocopies					
71150	EXP	Olympia	1	0.93	0.93
2/28/2022		Postage			
WIP		Haney, Carl v. Peninsula			
Postage					
70903	EXP	Mai Tulyathan	1	94.00	94.00
3/1/2022		Court fees			
WIP		Haney, Carl v. Peninsula			
Courtcall					
70970	EXP	Erika Mejia	1	66.70	66.70
3/7/2022		Court fees			
WIP		Haney, Carl v. Peninsula			
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		
70969	EXP	Erika Mejia	1	4.90	4.90
3/7/2022		Court fees			
WIP		Haney, Carl v. Peninsula			
ACE E Filing - Decls iso MPA					
71239	EXP	Erika Mejia	1	4.90	4.90
3/7/2022		Court fees			
WIP		Haney, Carl v. Peninsula			
MPA resubmitted					
71111	EXP	Erika Mejia	1	4.90	4.90
3/14/2022		Court fees			
WIP		Haney, Carl v. Peninsula			
ACE E Filing - CMS					
71269	EXP	Mai Tulyathan	1	94.00	94.00
3/29/2022		Court fees			
WIP		Haney, Carl v. Peninsula			
Courtcall					
71516	EXP	Olympia	1	550.00	550.00
4/15/2022		Court fees			
WIP		Haney, Carl v. Peninsula			
Filing Fees					
71523	EXP	Erika Mejia	1	4.90	4.90
4/18/2022		Court fees			
WIP		Haney, Carl v. Peninsula			
ACE E Filing - Supp Brief iso MPA					
71569	EXP	Erika Mejia	1	4.90	4.90
4/25/2022		Court fees			
WIP		Haney, Carl v. Peninsula			
ACE E Filing - CMS					
72791	EXP	Olympia	1	75.50	75.50
8/18/2022		Court fees			
WIP		Haney, Carl v. Peninsula			
ACE E Filing - Ex Parte					
72793	EXP	Valeria Tril	1	13.70	13.70
8/18/2022		Court fees			
WIP		Haney, Carl v. Peninsula			
ACE E Filing - Notice of Remote Appearance					
72788	EXP	Larry W. Lee	1	94.00	94.00
8/19/2022		Court fees			
WIP		Haney, Carl v. Peninsula			
Courtcall					

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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		
73067	EXP	Olympia	1	0.57	0.57
8/31/2022		Postage			
WIP		Haney, Carl v. Peninsula			
Postage					
73482	EXP	Larry W. Lee	1	350.00	350.00
11/4/2022		Court fees			
WIP		Haney, Carl v. Peninsula			
Filing/Service Fees					
Grand Total					
			Billable	0.00	11496.75
			Unbillable	0.00	0.00
			Total	0.00	11496.75