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ELECTRONICALLY FILED
Superior Court of California,
County of Tulare
03/07/2022
By: Mark Dimas, Deputy Clerk

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 PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: March 29, 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. From the inception of the case, Class Counsel have zealously represented the interests of the Settlement Class. Class Counsel engaged in significant discussions with opposing counsel to obtain informal data on behalf of the Settlement Class. This settlement was obtained for the benefit of the Settlement Class, as opposed to the individual Class Representative.

3. I have spent significant time researching and pursuing the claims that have been alleged in this action. The Parties engaged in informal discovery in connection with mediation, and participated in the exchange of class data and Defendant's pertinent policies and practices. Based on my review of all the documents and information, and based on my experience in class action litigation, I believe this settlement to be fair, adequate, and reasonable.

4. I was retained based upon a contingency fee arrangement wherein Plaintiff's counsel agreed to advance all costs and receive no fee unless a recovery was accomplished. Specifically, had Plaintiff failed to prevail in this case, counsel for Plaintiff would have spent a significant amount of time, money and other resources without any benefit or return. In addition, had Plaintiff also failed to prevail in the present case, Defendant would have been able to seek costs in connection with their defense of the case.

5. I am one of the primary attorneys on this matter. My qualifications are as follows: I received my J.D. from Arizona State University College of Law in 2003. During law school, I was a summer associate at the law firm of Brobeck, Phleger & Harrison. I graduated cum laude from Arizona State University College of Law in the top 10% of my class. While I was in law school, I was the Associate Managing Editor of the Arizona State

1 University College of Law, Law Journal. Upon graduation, I practiced law as an associate at
2 the Los Angeles County offices of Ogletree Deakins Nash Smoak & Stewart, P.C., a national
3 employment defense law firm that represents a significant number of Fortune 500 companies.

4 6. My firm's primary focus is employment law. I have handled a number of wage
5 and hour matters including class actions and multiple-plaintiff actions. I have a practice that
6 encompasses cases in the Los Angeles Superior Court, the Orange County Superior Court,
7 Santa Clara Superior Court, Monterey Superior Court, Sonoma Superior Court, San Francisco
8 County Superior Court, the San Diego County Superior Court, and the United States District
9 Courts for the Central, Eastern, Southern, and Northern Districts of California.

10 7. I have been approved as Class Counsel in a number of class actions, including
11 but not limited to *Chan-Lanier v. Citibank* (Case No. CGC-050445143); *Hernandez v. CVS*
12 *Pharmacy, Inc.* (Judicial Council Coordination Proceeding No. 4539), *Tse v. Best Buy Co, Inc.*
13 (Case Number BC 393717), *Orgeta v. AIG, Inc* (Case Number CV 06—196-RSWL (PJWx)),
14 and *Castro v. UPS Freight, Inc.* (Case Number CV 08-4898 ODW (CWx)) and by this Court
15 in *Chavez v. PVH* (Case No. C 13-01797 LHK).

16 8. In addition, I was certified as class counsel by the United States District Court,
17 Central District of California in the cases *Abdullah v. U.S. Security* (Case Number CV 09-
18 09554 GHK), *Avilez v. Pinkerton Government Services, Inc.* (Case Number SACV 11-0493-
19 DOC), *Dynabursky v. Allied Barton Security Services* (Case Number SACV 12-02210 JST);
20 and *Pace v. Petsmart, Inc.* (Case Number SACV 13-500-DOC); by the Northern District of
21 California in the cases of *Harris v. Vector Marketing Corp.*, (Case Number CV 08 5198
22 EMC), and *Lemus et al. v. H&R Block Enterprises, LLC* (Case Number CV-09-03179-SI); and
23 by the Superior Court of California, Orange County in the cases of *De la Cruz v. Abercrombie*
24 *& Fitch Co. et al.* (Case Number 30-2007-00036240) and *Wu v. General Nutrition*
25 *Corporation* (Case Number 30-2012-00593759), all as part of the Courts' orders granting class
26 certification pursuant to Rule 23 of the FRCP and California Code of Civil Procedure § 382. I
27 served as lead counsel on these cases.

28 9. To date, I have incurred approximately 41.5 hours in connection with the

1 litigation of this lawsuit. Attached hereto as **Exhibit A** is a chart summarizing the amount of
2 work I have incurred to date on this matter.

3 10. In addition to the hours above, I also anticipate spending an additional 15 hours
4 through approval and completion of this case, including conferring and reviewing e-mails and
5 other written communications with counsel for Defendants, handling issues that may arise with
6 the Settlement Administrator and Class Members regarding any post-final approval matters,
7 including payments and related issues.

8 11. Thus, I anticipate the total amount of my fees incurred in this case to be
9 approximately \$42,375.00, based on 56.5 total hours at an hourly rate of \$750.00 per hour.
10 Since at least 2018, I have been approved at an hourly rate of \$700.00 per hour by various
11 Courts, in a number of matters, including *Stafford v. Brinks et al.*, Los Angeles County
12 Superior Court Case No. BC532260; *Chavez v. Kenneth Cole Productions, Inc.*, Santa Clara
13 Superior Court Case No. 17CV306407; *Chavez v. Adidas*, U.S. District Court for the Northern
14 District of California Case No. 5:16-cv-06533-LHK; *Mankin v. Taste Catering*, San Mateo
15 Superior Court Case No. 17-CIV-03497; *Ricardo Macias v. SASCO*, Santa Clara County
16 Superior Court Case No. 16CV304263; *Valles v. Community Hospital of the Monterey*
17 *Peninsula*, Monterey Superior Court Case No. 17CV003452; *Diaz v. WeDriveU*, Santa Clara
18 Superior Court Case No. 17CV306547; *Sanchez v. American Para Professional Systems, Inc.*,
19 Santa Clara County Superior Court Case No. 17CV306751; *Hernandez v. Pei Wei*, United
20 States District Court, Central District of California Case No. 8:17-cv-00679-JLS-JCG; *Song v.*
21 *THC-Orange County, Inc.*, U.S. District Court for the Central District of California Case No.
22 8:17-cv00965-JLS-DFMx; *Perez v. Standard Drywall, Inc.*, Alameda County Superior Court
23 Case No. RG15761142; *Huertas v. Chevron Stations*, Santa Clara Superior Court Case No.
24 17CV309996; and *In re DirecTv Wage and Hour Cases*, JCCP Case No. 4850. As of 2020, I
25 increased my hourly rate to \$750.00 per hour. I have been approved at \$750.00 per hour by the
26 Santa Clara County Superior Court in *Hernandez v. Wells Fargo Bank*, Case No. 16CV299319
27 and *Carrillo v. New Balance Athletics, Inc.*, Case No. 19CV352469; the United States District
28 Court, Northern District of California in *Ramirez v. Walgreen Co.*, Case No. 18-cv-03921-EJD

1 and in Chavez v. Converse, Inc., Case No. 15-cv-03746-NC; and the Alameda Superior Court
2 in Foster v. Schindler Elevator Corporation, Case No. RG19029640.

3 12. My co-counsel and I will adequately represent the Settlement Class Members in
4 this action. Plaintiff's Counsel have and will zealously represent Plaintiff and the Settlement
5 Class and pursue this lawsuit to its conclusion.

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

8 Executed on this 7th day of March 2022, at Los Angeles, California.

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12 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
41.5	TOTAL HOURS