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Attorneys for Plaintiff and Aggrieved Employees

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN JOAQUIN**

MICHAEL GIBSON, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

SOUTHWEST TRADERS
INCORPORATED, a California
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: STK-CV-UOE-2020-10620

(Assigned to the Honorable Erin Guy Castillo,
Dept. 10B)

**DECLARATION OF LARRY W. LEE IN
SUPPORT OF PLAINTIFF'S MOTION TO
APPROVE THE PARTIES' SETTLEMENT
AGREEMENT PURSUANT TO THE
LABOR CODE PRIVATE ATTORNEYS
GENERAL ACT OF 2004**

Date: September 27, 2022;
September 28, 2022;
September 29, 2022;
September 30, 2022; or
October 3, 2022

Time: 9:00 a.m.

Dept.: 10B

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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, P.C., counsel of record for Plaintiff Michael Gibson (“Plaintiff”). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. 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 on these cases, 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 cases, Defendants would have been able to seek costs in connection with their defense of the case.

3. From the inception of the case, Plaintiff's Counsel have zealously represented the interests of Plaintiff and the aggrieved employees. The settlement was obtained for the benefit of the aggrieved employees, as opposed to the individual Plaintiff.

4. I strongly believe that Plaintiff can prevail at trial. However, I also believe in the fairness of the settlement, which is based on factoring in the inherent risks in drawn-out litigation, as well as the possibility of appeals.

5. After taking into account sharply disputed factual and legal issues involved in this litigation, the risks attending further prosecution, and the substantial benefits to be received pursuant to the compromise and settlement of the litigation, I have concluded that settlement on the terms set forth in the Private Attorneys General Act (Labor Code § 2698, *et seq.*) Settlement and Release Agreement (“Settlement Agreement”) is appropriate and in the best interests of Plaintiff and the aggrieved employees. I do not have any relationship with or connection to the *cy pres* recipient, Legal Aid at Work.

6. 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

1 of Law in the top 10% of my class. While I was in law school, I was the Associate Managing
2 Editor of the Arizona State University College of Law, Law Journal. Upon graduation, I
3 practiced law as an associate at the Los Angeles County offices of Ogletree Deakins Nash
4 Smoak & Stewart, P.C., a national employment defense law firm that represents a significant
5 number of Fortune 500 companies.

6 7. My primary practice is employment law. I have handled a number of wage and
7 hour matters including class actions and individual actions, on both plaintiff and defense sides. I
8 have a practice that encompasses cases in the Los Angeles Superior Courts, the Orange County
9 Superior Courts, the San Francisco County Superior Courts, the San Diego County Superior
10 Courts, and the United States District Courts for the Central, Northern, and Eastern Districts of
11 California. I have been named as Class Counsel in a number of class actions that have been
12 granted final approval by the Superior Courts of Los Angeles County, Orange County, San
13 Francisco County, and the United States District Court for the Central District of California,
14 including the following class actions: *Chan Lanier v. Citigroup, Inc. et al.*, San Francisco
15 Superior Court Case No. CGC-05-445143; *Naqvi v. Acoustic Home Loans et al.*, Orange County
16 Superior Court Case No. 05CC00263; *Ortega v. AIG*, Central District of California Case No. CV
17 06-0196-RSWL (PJWx); *Universal Protection Overtime Cases*, Orange County Superior Court
18 Case No. JCCP 4480; *Tse v. Best Buy*, Los Angeles Superior Court Case No. BC392717; and
19 *Hernandez v. CVS Corporation*, Los Angeles Superior Court Case No. JCCP 4539.

20 8. To date, my firm has incurred costs in the amount of approximately \$8,671.24.
21 Attached hereto as **Exhibit A** is a true and correct copy of my cost report.

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

24 Executed on this August 29, 2022, at Los Angeles, California.

25 
26 _____
27 Larry W. Lee
28

EXHIBIT A

7/7/2022
9:13 AM

DIVERSITY LAW GROUP
Slip Listing

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Selection Criteria

Slip Classification Open
Client (hand select) Include: Gibson, Michael v. Southwest
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		
65247	EXP	Olympia	1	75.00	75.00
12/14/2020		Court fees			
WIP		Gibson, Michael v. Southwest			
LWDA					
65627	EXP	Olympia	1	1734.79	1734.79
12/17/2020		Atty Service			
WIP		Gibson, Michael v. Southwest			
Attorney Service - Complaint					
65636	EXP	Olympia	1	145.14	145.14
12/24/2020		Atty Service			
WIP		Gibson, Michael v. Southwest			
Attorney Service - Complaint Service					
65742	EXP	Olympia	1	6.90	6.90
12/31/2020		Postage			
WIP		Gibson, Michael v. Southwest			
Postage					
65955	EXP	Olympia	1	131.93	131.93
1/7/2021		Atty Service			
WIP		Gibson, Michael v. Southwest			
Attorney Service - POS of Summons					
66461	EXP	Olympia	1	143.79	143.79
2/25/2021		Atty Service			
WIP		Gibson, Michael v. Southwest			
Attorney Service - FAC					
66496	EXP	Olympia	7	0.25	1.75
2/28/2021		Photocopies			
WIP		Gibson, Michael v. Southwest			
Photocopies					
66497	EXP	Olympia	1	0.71	0.71
2/28/2021		Postage			
WIP		Gibson, Michael v. Southwest			
Postage					

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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		
67509	EXP	Olympia	1	146.29	146.29
5/28/2021		Atty Service			
WIP		Gibson, Michael v. Southwest			
Attorney Service - CMS					
67667	EXP	Olympia	7	0.25	1.75
5/31/2021		Photocopies			
WIP		Gibson, Michael v. Southwest			
Photocopies					
67668	EXP	Olympia	1	0.71	0.71
5/31/2021		Postage			
WIP		Gibson, Michael v. Southwest			
Postage					
67820	EXP	Olympia	1	144.79	144.79
6/15/2021		Atty Service			
WIP		Gibson, Michael v. Southwest			
Attorney Service - Notice of Appearance					
68913	EXP	Olympia	1	146.79	146.79
8/27/2021		Atty Service			
WIP		Gibson, Michael v. Southwest			
Attorney Service - CMS					
68779	EXP	Olympia	19	0.25	4.75
8/31/2021		Photocopies			
WIP		Gibson, Michael v. Southwest			
Photocopies					
68780	EXP	Olympia	1	2.11	2.11
8/31/2021		Postage			
WIP		Gibson, Michael v. Southwest			
Postage					
70157	EXP	Olympia	1	450.00	450.00
12/23/2021		Arbitrators			
WIP		Gibson, Michael v. Southwest			
JAMS Case Management Fee (Cancelled Mediation}					
70322	EXP	Linda Lee	1	154.04	154.04
12/27/2021		Atty Service			
WIP		Gibson, Michael v. Southwest			
Attorney Service - CMS					
70349	EXP	Olympia	1	0.73	0.73
12/31/2021		Postage			
WIP		Gibson, Michael v. Southwest			
Postage					

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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		
71211	EXP	Olympia	1	4550.00	4550.00
3/16/2022		Arbitrators			
WIP		Gibson, Michael v. Southwest			
JAMS Mediation					
71308	EXP	Olympia	1	170.00	170.00
4/5/2022		Arbitrators			
WIP		Gibson, Michael v. Southwest			
JAMS Mediation					
71711	EXP	Erika Mejia	1	157.04	157.04
4/27/2022		Atty Service			
WIP		Gibson, Michael v. Southwest			
Attorney Service - CMS					
71947	EXP	Olympia	6	0.25	1.50
4/30/2022		Photocopies			
WIP		Gibson, Michael v. Southwest			
Photocopies					
71948	EXP	Olympia	1	0.73	0.73
4/30/2022		Postage			
WIP		Gibson, Michael v. Southwest			
Postage					
72345	EXP	Olympia	1	500.00	500.00
7/7/2022		Court fees			
WIP		Gibson, Michael v. Southwest			
Filing/Service					
Grand Total					
			Billable	0.00	8671.24
			Unbillable	0.00	0.00
			Total	0.00	8671.24