

Larry W. Lee (State Bar No. 228175)
Mai Tulyathan (State Bar No. 316704)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa St., Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile

Attorneys for Plaintiff, the Class, and Aggrieved Employees

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

JAIME MOEN, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

GENENTECH, INC., a Delaware
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 37-2021-00008619-CU-OE-CTL

(Assigned for all purposes to the Honorable
Katherine A. Bacal, Dept. C-69)

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

Date: March 10, 2023

Time: 1:30 P.M.

Dept.: C-69

Complaint Filed: March 1, 2021

FAC Filed: March 10, 2022

Trial Date: Not Set

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

I, Max W. Gavron, 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 Named Plaintiff Jaime Moen (“Plaintiff”). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. My qualifications are as follows: I received a full-tuition scholarship, and graduated from Southwestern Law School in 2013, magna cum laude. I was in the top 5% of my class. During my time at Southwestern, I was a Notes and Comments Editor on the Southwestern Law Review. I also received awards for achieving the highest grade in my class in several courses. In 2012, I was a full-time extern, at the United States District Court for the Central District. Immediately after law school, I taught several courses at Southwestern, including Principles of Legal Analysis and Legal Methods. I taught those courses for approximately four years.

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

4. From February 2016, through Fall 2017, I practiced at the international law firm of Arnold & Porter, which had recently merged with Kaye Scholer, LLP. I defended Fortune 50 companies in Multi-District Litigation primarily in the product liability sphere. I also successfully drafted an appellate brief in the Ninth Circuit resulting in the reversal of a summary judgment decision regarding trade secret issues, which resulted in a published opinion. *See Experian Information Solutions, Inc. v. Nationwide Marketing Services Incorporated*, 893 F.3d 1176 (9th Cir. 2018). I also worked in several other practice groups. While working at Arnold & Porter, the firm routinely billed for my services at rates ranging from \$375 to \$550 per hour.

5. From September 2017, through September 2018, I served as a law clerk to a Judge sitting on the United States District Court, Central District of California. I regularly

1 prepared bench memoranda, on cases involving all types of civil litigation, including regularly
2 working on wage and hour class actions.

3 6. I am currently an associate at the law firm Diversity Law Group, P.C., an
4 employment law firm that has handled numerous wage and hour class and individual actions, on
5 both plaintiff and defense sides. My current practice focuses on employment matters involving
6 both class actions, and single plaintiffs. The firm currently has cases in the Los Angeles Superior
7 Courts, the Orange County Superior Courts, the San Diego County Superior Courts, and the
8 United States District Courts for the Central, Northern, and Eastern Districts of California. I am
9 currently handling or have handled numerous wage and hour class action lawsuits with the firm,
10 including, but not limited to: *Agar v. Sensient Natural Ingredients, LLC* (Case No. CV-19-
11 001906, Stanislaus County Superior Court); *Cunningham, et al. v. Diverse Business Solutions*
12 (Case No. CIVDS1817095, San Bernardino County Superior Court); *Heredia v. Eddie Bauer*
13 *LLC* (Case No. 16CV300475, United States District Court, Northern District of California);
14 *Parsons v. Estenson Logistics, LLC* (Case No. 34-2019-00252929, Sacramento County Superior
15 Court); *Wood v. Reeve Trucking Co., Inc.* (Case No. STK-CV-UOE-2018-0004414, San Joaquin
16 County Superior Court); and *Coronel v. Pinnacle Agriculture* (Case No. 18CV004287, Monterey
17 County Superior Court).

18 7. I have been certified as class counsel in a number of cases, including *Smith v.*
19 *Gold Country Health Center, Inc.* (Case No. PC20180491, El Dorado County Superior Court);
20 *Pantoja v. RAMCO Enterprises, L.P.* (Case No. M126835, Monterey County Superior Court);
21 *Abernathy v. Deacon Construction, LLC* (Case No. 20CV367327, Santa Clara Superior Court)
22 (December 16, 2022). I have also assisted in numerous wage and hour class action mediations.

23 8. On June 14, 2019, I argued two related class action cases in front of the Ninth
24 Circuit Court of Appeals. One of them was *Rodriguez v Nike Retail Service Inc.*, Case No. 17-
25 16866. On June 28, 2019, the Ninth Circuit issued its order reversing the district court's grant of
26 summary judgment and remanding in favor of our clients. *Rodriguez v. Nike Retail Servs., Inc.*,
27 928 F.3d 810 (9th Cir. 2019).

28 9. To date, I have incurred approximately 103.3 hours in connection with the

1 litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have incurred
2 to date.

3 10. I also anticipate spending an additional 15 hours conferring and reviewing e-mails
4 and other written communications with counsel for Defendant, the Settlement Administrator, and
5 Class Members regarding post final approval matters, including payments and related issues.

6 11. The total lodestar for my hours will be approximately \$76,895.00 based on an
7 hourly rate of \$650.00 per hour (118.3 hours x \$650). In 2022, I have been approved at \$600.00
8 per hour in *Weybrew v. BEI Construction*, Solano County Superior Court Case No. FCS055658
9 (January 14, 2022), *In re See's Candies Wage and Hour Cases*, Case No. JCCP5004 (March 30,
10 2022), Los Angeles Superior Court, *Pevey v. Lumber City Corp*, San Bernardino County
11 Superior Court Case No. CIVDS2010240 (May 2, 2022), *Ross v Stater Bros. Markets*, San
12 Bernardino County Superior Court Case No. CIVDS1902518 (September 8, 2022), and
13 *Schneider v. Amazon Retail LLC*, Los Angeles County Superior Court Case No. 21STCV26226
14 (December 1, 2022). Prior to that, throughout 2020 and 2021, I was approved at an hourly rate of
15 at \$550.00 per hour in *James v RADC Enterprises, Inc.*, San Bernardino County Superior Court,
16 Case No. CIV-DS1933035 (September 29, 2020), *Hector Luna v. Triple Canopy, Inc.*, Santa
17 Clara County Superior Court, Case No. 19CV345169 (October 22, 2020), *Melbert Magpugay v.*
18 *Harbor Electronics, Inc.*, Santa Clara County Superior Court Case No. 19CV352547 (January
19 27, 2021), *Foster v. Schindler Elevator Corp.*, Alameda County Superior Court Case no.
20 RG19029640 (March 2, 2021), *Martin v. Streetplus Company, LLC, et al*, Los Angeles Superior
21 Court Case No. 19STCV15522 (July 13, 2021), *Morris v. Blue Mountain Enterprises, LLC*,
22 Solano County Superior Court, Case No. FCS05.858 (August 4, 2021). As of February 2023,
23 my hourly rate increased to \$650.00 per hour.

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

26 Executed on this 3rd day of March 2023, at Los Angeles, California.

27 

28 _____
Max W. Gavron

EXHIBIT A

Jaime Moen v. Genentech, Inc.
Time and Task Chart for Max Gavron

Hours	Description of Work
7.7	Review of case, client documents, PAGA letter, complaint and other pleadings upon assignment to case
1.0	Review court notices, standing rules, and guidelines
8.2	Review class and payroll data produced by Defendant; review and revise damages analysis
6.8	Review and revise mediation brief
10.2	Review and revise long form settlement agreement and class notice
14.8	Draft, review and revise motion for preliminary approval of settlement and supporting docs
4.6	Review tentative ruling re preliminary approval of settlement; meet and confer regarding same; research regarding same
1.0	Review and revise proposed order for MPA
6.5	Draft, review, and revise first supplemental brief for MPA; meet and confer with opposing counsel re same
7.9	Review the Court's second tentative ruling re preliminary approval of settlement; meet and confer regarding same; research regarding same
9.4	Draft, review and revise second supplemental brief for preliminary approval; further meet and confer with opposing counsel
3.7	Confer with class members re settlement issues
2.2	Confer with settlement administrator in connection with final approval; review declaration and report re administration process
13.8	Draft, review, and revise motion for final approval of settlement
2.0	Review the Court's tentative re final approval; meet and confer with Defendant
3.5	Draft, review, and revise supplemental briefing for final approval of settlement and supporting documents
<u>103.3</u>	<u>TOTAL HOURS</u>