

DIVERSITY LAW GROUP, P.C.
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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CRUZ

KRISTY VESS, as a private attorney general,
Plaintiff,
vs.

GO WIRELESS, INC., a Nevada corporation; and
DOES 1 through 50, inclusive,
Defendants.

Case No. 21CV00185

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

Date: July 31, 2024
Time: 8:30 a.m.
Courtroom: 10

Complaint Filed: January 25, 2021
FAC Filed: March 29, 2021

1 I, Larry W. Lee, declare as follows:

2 1. I am an attorney admitted to practice in the State of California and, with the law firm
3 Diversity Law Group, P.C., am counsel of record for Plaintiff. I make this declaration on the basis of my
4 own personal knowledge, except as to those matters stated on information and belief and, as to those
5 matters, I believe them to be true. If called as a witness, I could testify competently as to the facts stated
6 in this declaration.

7 2. I have spent significant time researching and pursuing the claims that have been alleged
8 in this action. I engaged in numerous discussions with Defendant's counsel and in formal and informal
9 discovery that included the exchange of employee data and Defendant's pertinent policies and practices.
10 Although I am confident that litigation of the claims would result in a judgment against Defendant, I
11 recognize the inherent risks in litigation, including the specific risks that liability could not be
12 established at trial or that the applicable law could change, as well as the potential for appeals and the
13 costs of pursuing litigation. Based on my review of all the information, and based on my experience in
14 class and representative action litigation, I believe this settlement to be fair, adequate, and reasonable.

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

21 4. I am one of the primary attorneys on this matter. My qualifications are as follows: I
22 received my J.D. from Arizona State University College of Law in 2003. During law school, I was a
23 summer associate at the law firm of Brobeck, Phleger & Harrison. I graduated cum laude from Arizona
24 State University College of Law in the top 10% of my class. While I was in law school, I was the
25 Associate Managing Editor of the Arizona State University College of Law, Law Journal. Upon
26 graduation, I practiced law as an associate at the Los Angeles County offices of Ogletree Deakins Nash
27 Smoak & Stewart, P.C., a national employment defense law firm that represents a significant number of
28 Fortune 500 companies.

1 5. My firm's primary focus is employment law. I have handled a number of wage and hour
2 matters including class actions and individual actions, on both plaintiff and defense sides. I have a
3 practice that encompasses cases throughout the State of California, including but not limited to the Los
4 Angeles Superior Courts, the Orange County Superior Courts, the San Francisco County Superior
5 Courts, the San Diego County Superior Courts, and the United States District Courts for the Central,
6 Eastern, Northern, and Southern Districts of California. I have been named as Class Counsel in a
7 number of class actions that have been granted final approval by the Superior Courts of Los Angeles
8 County, Orange County, San Francisco County, Alameda County, Contra Costa County, Monterey
9 County, San Bernardino County, Santa Clara County, Sonoma County, and the United States District
10 Court for the Central, Eastern, and Northern Districts of California.

11 6. My firm has incurred costs in the amount of \$15,958.06. The costs are all litigation
12 related costs, including filing fees and service fees. Attached hereto as **Exhibit A** is copy of the costs my
13 firm has incurred in connection with prosecution of this lawsuit.

14 7. To date, I have incurred approximately 40.2 hours in the prosecution of this matter, with
15 an hourly rate of \$800.00 per hour. The total lodestar for my hours is approximately \$32,160.00.
16 Attached as **Exhibit B** is a summary of my hours and tasks on this matter.

17 8. Since at least 2020, I have been approved at an hourly rate of \$750.00 per hour by
18 various Courts, including this Court. Examples of these Courts include the following cases: *Hernandez*
19 *v. Wells Fargo Bank*, Santa Clara County Superior Court Case No. 16CV299319, *Carrillo v. New*
20 *Balance Athletics, Inc.*, Santa Clara County Superior Court Case No. 19CV352469; *Ramirez v.*
21 *Walgreen Co.*, United States District Court, Northern District of California Case No. 18-cv-03921-EJD,
22 *Chavez v. Converse, Inc.*, United States District Court, Northern District of California Case No. 15-cv-
23 03746-NC; *Foster v. Schindler Elevator Corporation*, Alameda County Superior Court Case No.
24 RG19029640; *Foaad Hanna v. Equinix, LLC*, Santa Clara County Superior Court Case No.
25 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles County Superior Court Case No. BC720144;
26 *Mary Della Maggiora v. Watsonville Community Hospital*, Santa Cruz County Superior Court Case No.
27 18CV00191; *Pittman v. Martinez Steel Corporation*, San Bernardino County Superior Court Case
28 No.CIVDS1823132; *Michael Randolph v. Pacific Racing Association*, Alameda County Superior Court

Case No. RG18908139; *Markham v. Quik Stop Markets, Inc.*, Santa Clara Superior Court Case No.19CV341582; *Siron v. Raypak, Inc.*, Ventura Superior Court Case No. 56-2019-005279959-CU-OE-VTA; *Carter v. Kline Services, Inc.*, San Bernardino Superior Court Case No. CIVDS1828867, and *Prexxie Pascual and Arturo Fonseca v. Satellite Healthcare, Inc.*, Santa Clara Superior Court Case No. 19CV345211.

9. I also have been approved at an hourly rate of \$800.00 per hour in *Davila v. Hayward Sisters Hospital*, Alameda County Superior Court Case No. RG20074747; *McCarthy, et al. v. The Vons Companies, Inc.*, San Bernardino County Superior Court Case No. CIVDS2021085; *Martinez and Acosta v. City of Hope National Medical Center, et al.*, San Bernardino County Superior Court Case No. CIVDS2015729; *Moen v. Genentech, Inc.*, San Diego County Superior Court Case No. 37-2021-00008619-CU-OECTL; *Murray v. Granite Wellness Centers et al.*, Nevada County Superior Court Case No. CU20-084680, and *Smith, et al. v. Clean Harbors Environmental Services, Inc.*, Sacramento County Superior Court Case No. 34-2021-00292526.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 3rd day of July 2024, at Los Angeles, California.



Larry W. Lee

EXHIBIT A

7/3/2024
11:39 AM

DIVERSITY LAW GROUP
Slip Listing

Page 1

Selection Criteria

Slip Classification Open
Client (hand select) Include: Vess, Kristy v. GoWireless
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		
65704	EXP	Olympia	1	75.00	75.00
1/19/2021		Court fees			
WIP		Vess, Kristy v. GoWireless			
LWDA					
65809	EXP	Olympia	1	1481.66	1481.66
1/25/2021		Court fees			
WIP		Vess, Kristy v. GoWireless			
Odyssey - Complaint					
66128	EXP	Olympia	1	6.90	6.90
1/31/2021		Postage			
WIP		Vess, Kristy v. GoWireless			
Postage					
66398	EXP	Olympia	1	67.99	67.99
2/3/2021		Atty Service			
WIP		Vess, Kristy v. GoWireless			
Attorney Service - Complaint Service					
66167	EXP	Olympia	1	3.60	3.60
2/18/2021		Court fees			
WIP		Vess, Kristy v. GoWireless			
Odyssey - POS of Summons					
67224	EXP	Olympia	1	3.60	3.60
5/11/2021		Court fees			
WIP		Vess, Kristy v. GoWireless			
Odyssey - CMS					
70426	EXP	Olympia	1	3.60	3.60
1/14/2022		Court fees			
WIP		Vess, Kristy v. GoWireless			
Odyssey - CMS					
71890	EXP	Olympia	1	7500.00	7500.00
6/1/2022		Arbitrators			
WIP		Vess, Kristy v. GoWireless			
Steven Pearl Mediation					

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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		
72215	EXP	Erika Mejia	1	3.60	3.60
6/17/2022		Court fees			
WIP		Vess, Kristy v. GoWireless			
Odyssey - CMS					
73146	EXP	Erika Mejia	1	3.60	3.60
10/3/2022		Court fees			
WIP		Vess, Kristy v. GoWireless			
Odyssey - CMS					
73372	EXP	Valeria Tril	1	3.60	3.60
10/14/2022		Court fees			
WIP		Vess, Kristy v. GoWireless			
Odyssey - Notice of Remote Appearance					
73573	EXP	Erika Mejia	1	3.60	3.60
11/15/2022		Court fees			
WIP		Vess, Kristy v. GoWireless			
Odyssey - CMS					
73574	EXP	Erika Mejia	1	3.60	3.60
11/15/2022		Court fees			
WIP		Vess, Kristy v. GoWireless			
Odyssey - Oppo to MTC Arb					
73624	EXP	Valeria Tril	1	3.60	3.60
11/28/2022		Court fees			
WIP		Vess, Kristy v. GoWireless			
Odyssey - Notice of Remote Appearance					
74645	EXP	Linda Lee	1	12.25	12.25
1/23/2023		Arbitrators			
WIP		Vess, Kristy v. GoWireless			
AAA Demand for Arbitration (Refund \$350)					
74644	EXP	Linda Lee	1	409.26	409.26
1/30/2023		Arbitrators			
WIP		Vess, Kristy v. GoWireless			
JAMS Demand for Arbitration					
75871	EXP	Erika Mejia	1	3.60	3.60
8/8/2023		Court fees			
WIP		Vess, Kristy v. GoWireless			
Odyssey - CMS					
76174	EXP	Erika Mejia	1	65.40	65.40
9/13/2023		Court fees			
WIP		Vess, Kristy v. GoWireless			
Odyssey - Mtn to Set Aside Dismissal					

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Page 3

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		
77239	EXP	Olympia	1	6000.00	6000.00
1/17/2024		Arbitrators			
WIP		Vess, Kristy v. GoWireless			
Steve Pearl Mediation					
78198	EXP	Erika Mejia	1	3.60	3.60
5/1/2024		Court fees			
WIP		Vess, Kristy v. GoWireless			
Odyssey - Joint CMS					
78678	EXP	Simon Yang	1	300.00	300.00
7/3/2024		Court fees			
WIP		Vess, Kristy v. GoWireless			
WIP					
Grand Total					
			Billable	0.00	15958.06
			Unbillable	0.00	0.00
			Total	0.00	15958.06

EXHIBIT B

**Time and Task Summary
for Vess v. Go Wireless, Inc.
Larry W. Lee**

Description of Work	Hours
Review client documents; research potential claims.	2.1
Draft PAGA letter; review and edit Complaint and FAC	2.3
Review first motion to compel arbitration; review and revise opposition to same; review reply re same; legal research re same	1.4
Review and revise motion for remand; legal research re same	3.7
Review second motion to compel arbitration; review and revise opposition to same; review reply re same; legal research re same	6.8
Review and revise motion to set aside dismissal	2.2
Review and revise first set of written discovery to defendant; review responses to same; review document production for same	3.6
Research prior related lawsuits filed against Defendant	4.8
Review and revise demand for arbitration	1.1
Research potential arbitrators	2.3
Review data produced by Defendant and perform damages analysis for mediation	1.9
Review and edit mediation brief.	3.8
Review and edit settlement agreement.	1.7
Review and edit Motion for Approval of PAGA settlement.	2.5
TOTAL	40.2