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Attorneys for Plaintiffs
JED ASIS, JUSTIN WATSON, AND KEVIN JOHNSON

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

JED ASIS and JUSTIN WATSON

Plaintiff,

vs.

FOOT LOCKER RETAIL, INC., and DOES
1 through 50, inclusive,

Defendants.

Case No. STK-CV-UOE-2023-0000627

(Assigned to the Hon. George J. Abdallah, Dept.
10A)

**DECLARATION OF DAVID J. LEE IN
SUPPORT OF PLAINTIFFS' MOTION
FOR FINAL APPROVAL OF CLASS AND
REPRESENTATIVE ACTION
SETTLEMENT**

Date: January 18, 2024

Time: 9 a.m.

Dept.: 10A

Complaint Filed: January 26, 2023

FAC Filed: July 25, 2023

Trial Date: Not Set

DECLARATION OF DAVID J. LEE

I, David J. 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 David Lee Law, APC, counsel of record for Plaintiffs JED ASIS, JUSTIN WATSON and KEVIN JOHNSON (“Plaintiffs”). 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, Plaintiffs’ Counsel have zealously represented the interests of the Class. I have spent significant time researching and pursuing the claims that have been alleged in this action. I have no conflict with the Class.

3. I also have no conflict of interest with the designated cy pres recipient, Legal Aid at Work.

4. Both Plaintiffs’ Counsel and Defendant’s counsel have a great deal of experience in wage and hour class action litigation. Plaintiffs’ Counsel have been approved as class counsel on a number of prior cases, have litigated numerous other class action cases, and are competent to represent the Class.

5. Based on my own independent investigation and evaluation, I am of the opinion that settlement for the consideration and on the terms set forth in the Joint Stipulation of Class Action and PAGA Settlement and Release (“Agreement” or “Settlement Agreement”) is fair, reasonable, and adequate and is in the best interests of the Class, in light of all known facts and circumstances and the expenses and risks inherent in litigation.

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

7. I am one of the primary attorneys on this matter. My qualifications are as follows: I attended the University of California, Los Angeles for its undergraduate program and I

1 received a B.A. in Psychology. I received my J.D. from Thomas Jefferson School of Law in
2 2010. I was an intern at Shouse Law Group, before and after law school.

3 8. After law school, I practiced law as an associate for few years at the Los Angeles
4 County offices of Lim, Han & Delgado, APC, an employment and commercial litigation law
5 firm. Thereafter, in 2016, I started my own law practice, David Lee Law, APC.

6 9. My primary practice is employment & labor law. I have handled a number of
7 class actions and individual actions, exclusively on the plaintiff or worker side.

8 10. I've had my law license since May 2014.

9 11. I've been approved as class counsel on *Carroll v. Golden State Supply LLC*,
10 Riverside Superior Court, Case No. RIC1706729; *Peterson v. Redwood Memorial Hospital of*
11 *Fortuna*, Humboldt Superior Court, Case No. DR170615; *Castillo v. Sheraton Operating*
12 *Corporation*, United States District Court, Central District of California Case No. 2:17-cv-
13 07091-FMO-AS; *Chase v. New-Indy Ontario, LLC*, San Bernardino Superior Court Case No.
14 CIVDS1900901; *Valdez v. Mountain Valley Express*, San Bernardino Superior Court Case No.
15 CIVDS1800542; *Parchelli v. Silverado Senior Living Management, Inc.*, Case No. 30-2017-
16 00959707-CU-OE-CXC; and *Le v. Captek Softgel International, Inc.*, Case No. BC707675.
17 *Lakey v. Poshmark, Inc.*, Case No. 22CV395084; and *Garcia v. Genesis Healthcare, LLC*, Case
18 No. 18STCV06652. I also have several pending class actions throughout the State of California.

19 12. I have a practice that encompasses cases in the Alameda Superior Courts, Los
20 Angeles Superior Courts, the San Bernardino Superior Courts, the Orange County Superior
21 Courts, the Riverside Superior Courts, the San Diego County Superior Courts, the San Francisco
22 County Superior Courts, Santa Clara County Superior Courts and the United States District
23 Courts for the Central and Northern District of California.

24 13. My law office has incurred costs in the amount of \$1,555.65. They are all costs
25 incurred in connection with the prosecution and litigation of this lawsuit, which includes the civil
26 filing fee and service of summons fee. A true and correct copy of the receipt of payment for the
27 foregoing fees is attached hereto as "Exhibit A."

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

3 Executed on this 18th day of December 2023, at Los Angeles, California.

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5 David J. Lee
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EXHIBIT A

Stockton
Superior Court
Receipt No. 806587
Receipt Date: 01/26/2023 11:37 AM

Received of: Asis, Jed \$ 1435.00

One Thousand Four Hundred Thirty Five and 00/100

Jed Asis et al. vs Foot Locker Retail, Inc.

Filer(s): Asis, Jed; Watson, Justin

Case	Amount
STK-CV-UOE-2023-0000627	
34-Additional fee for case designated as complex (one fee for all plaintiffs)	1000.00
194-Unlimited Civil Filing: Complaint or other first paper in unlimited civil case (amount over \$25,000)	435.00
Total:	1435.00
Balance due court: \$	0.00
Next due date:	

Check (Card: Info Track US, Inc., Num: 5035079, Exp: xx/xx)

Amount Tendered: 1435.00

Overage: 0.00

Change Due: 0.00

Brandon E. Riley, Court Executive Officer

By: _____

Deputy Clerk

Clerk: trevparker

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) David J. Lee, Esq. SBN: 296294 David Lee Law, APC 515 S Flower St Ste 1900 Los Angeles, CA 900712201 TELEPHONE NO.: (213) 236-3536 FAX NO. E-MAIL ADDRESS (Optional): Info@DavidJLeeLaw.com ATTORNEY FOR (Name): Plaintiffs: Jed Asis; et al.	FOR COURT USE ONLY
SAN JOAQUIN SUPERIOR - (MAIN) STREET ADDRESS: 180 E. WEBER AVE SUITE 260 MAILING ADDRESS: CITY AND ZIP CODE: STOCKTON, CA 95202 BRANCH NAME: STOCKTON	
PLAINTIFF: Jed Asis; et al. DEFENDANT: Foot Locker Retail, Inc.	CASE NUMBER: STKCVUOE2023627
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.: Asis v Foot Locker

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of:

- a. ☒ Summons
- b. ☒ Complaint
- c. ☐ Alternative Dispute Resolution (ADR) package
- d. ☐ Civil Case Cover Sheet (served in complex cases only)
- e. ☐ Cross-complaint
- f. ☒ other (specify documents): **Notice of Case Assignment and Notice of Hearing**

3. a. Party served (specify name of party as shown on documents served):

Foot Locker Retail, Inc.

- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):

Jessie Gastelum - CT Process Specialist

Age: 31-35 Weight: 141-160 Lbs Hair: Black Sex: Female
 Height: 5'1 - 5'6 Eyes: Race: Latino

4. Address where the party was served: **330 N Brand Blvd Ste 700
Glendale, CA 91203-2336**

5. I served the party (check proper box)

- a. ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **1/27/2023** (2) at (time): **12:55 PM**

- b. ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):

- (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
- (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
- (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
- (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): ☐ or ☐ a declaration of mailing is attached.
- (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PETITIONER: **Jed Asis; et al.**

RESPONDENT: **Foot Locker Retail, Inc.**

CASE NUMBER:

STKCVUOE2023627

- c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify): **Foot Locker Retail, Inc.**
under the following Code of Civil Procedure section:

- | | |
|---|---|
| ☐ 416.10 (corporation) | ☐ 415.95 (business organization, form unknown) |
| ☐ 416.20 (defunct corporation) | ☐ 416.60 (minor) |
| ☐ 416.30 (joint stock company/association) | ☐ 416.70 (ward or conservatee) |
| ☐ 416.40 (association or partnership) | ☐ 416.90 (authorized person) |
| ☐ 416.50 (public entity) | ☐ 415.46 (occupant) |
| | ☒ other: Form Unknown |

7. **Person who served papers**

- a. Name: **V. ENRIQUE MENDEZ - DDS Legal Support**
- b. Address: **2900 Bristol Street Costa Mesa, CA 92626**
- c. Telephone number: **(714) 662-5555**
- d. **The fee** for service was: **\$ 120.65**
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No.: **3428**
- (iii) County: **LOS ANGELES**

8. ☒ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ **I am a California sheriff or marshal and** I certify that the foregoing is true and correct.

Date: **1/31/2023**

DDS Legal Support
2900 Bristol Street
Costa Mesa, CA 92626
(714) 662-5555
www.ddslegal.com



V. ENRIQUE MENDEZ

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)