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Attorneys for Plaintiff and the Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA**

MARIE REBELO SHOWALTER, as an
individual and on behalf of all others
similarly situated,

Plaintiff,

vs.

NORTHERN CALIFORNIA CHAIR
CORPORATION, a California
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 21CV376845

[Assigned for all purposes to the Honorable
Theodore C. Zayner, Department 19]

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

Date: May 8, 2024

Time: 1:30 P.M.

Dept.: 19

Complaint Filed: March 2, 2021

Jury Trial Date: None set

DECLARATION OF MAX W. GAVRON

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

2. The proposed settlement meets the criteria for this Court to grant final approval of this matter on a class-wide basis, as the settlement is fair, adequate, and reasonable.

3. The Class and PAGA Action Settlement Agreement (“Agreement”) was the product of arm’s length negotiations between highly able and experienced attorneys on both sides who possessed the relevant data and extensive legal research which they had carefully analyzed. Plaintiff’s counsel engaged in extensive factual investigation before settling. The Parties also participated in a full day of mediation with the Honorable Brian Walsh (Ret.). The Parties conducted formal and informal discovery prior to mediation, including reviewing the production of class data, a sampling of time and payroll records, and information pertaining to Defendant’s commission pay and wage statement policies and practices. The exchange of information allowed Plaintiff’s counsel to analyze liability and exposure.

4. I have spent significant time researching and pursuing the claims that have been alleged in this action. Based on my independent investigations and evaluations, I am of the opinion that the proposed settlement 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. The settlement was negotiated at arm's length and was facilitated by an experienced and neutral mediator. Thus, this settlement should be granted final approval.

5. The Court preliminary approved this settlement on November 30, 2023, directing distribution of the Notice of Proposed Class Action Settlement (“Notice of Settlement”) and scheduling the hearing for final approval of the settlement (the “Preliminary Approval Order”).

6. The Court directed the Parties to make slight modifications to the Notice of Settlement in the Preliminary Approval Order – specifically, Sections 12 and 13 of the Notice of

1 Settlement containing language regarding the final approval hearing. The Parties modified the
2 Notice of Settlement pursuant to the Court's instructions, and Plaintiff's counsel provided the
3 revised Notice of Settlement to Phoenix Settlement Administrators to distribute in accordance with
4 the Court's Order.

5 7. There were no objections to the amount of attorneys' fees or litigation costs that
6 Plaintiff's counsel seeks in this case and for which Plaintiff asks the Court for final approval.

7 8. Any remaining monies from uncashed settlement checks will be distributed to Legal
8 Aid at Work. Plaintiff's counsel does not have any relationship with or connection or to said
9 organization.

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

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

21 11. From February 2016, through Fall 2017, I practiced at the international law firm of
22 Arnold & Porter, which had recently merged with Kaye Scholer, LLP. I defended Fortune 50
23 companies in Multi-District Litigation primarily in the product liability sphere. I also successfully
24 drafted an appellate brief in the Ninth Circuit resulting in the reversal of a summary judgment
25 decision regarding trade secret issues, in addition to working in several other practice groups.

26 12. From September 2017, through September 2018, I served as a law clerk to a Judge
27 sitting on the United States District Court, Central District of California. I regularly prepared bench
28 memoranda, on cases involving all types of civil litigation, including regularly working on wage

1 and hour class actions.

2 13. I am currently an associate at the law firm Diversity Law Group, P.C., an
3 employment law firm that has handled numerous wage and hour class and individual actions, on
4 both plaintiff and defense sides. My current practice focuses on employment matters involving both
5 class actions, and single plaintiffs. The firm currently has cases in the Los Angeles Superior Courts,
6 the Orange County Superior Courts, the San Diego County Superior Courts, and the United States
7 District Courts for the Central, Northern, and Eastern Districts of California. I am currently
8 handling, or have handled, numerous wage and hour class action lawsuits with the firm, including,
9 but not limited to: *Weybrew v. BEI Construction*, Solano County Superior Court Case No.
10 FCS055658 (January 14, 2022), *In re See's Candies Wage and Hour Cases*, Case No. JCCP5004
11 (March 30, 2022), Los Angeles Superior Court, *Pevey v. Lumber City Corp*, San Bernardino
12 County Superior Court Case No. CIVDS2010240 (May 2, 2022), *Ross v Stater Bros. Markets*, San
13 Bernardino County Superior Court Case No. CIVDS1902518 (September 8, 2022), and *Schneider*
14 *v. Amazon Retail LLC*, Los Angeles County Superior Court Case No. 21STCV26226 (December 1,
15 2022); *James v RADC Enterprises, Inc.*, San Bernardino County Superior Court, Case No. CIV-
16 DS1933035 (September 29, 2020), *Hector Luna v. Triple Canopy, Inc.*, Santa Clara County
17 Superior Court, Case No. 19CV345169 (October 22, 2020), *Melbert Magpugay v. Harbor*
18 *Electronics, Inc.*, Santa Clara County Superior Court Case No. 19CV352547 (January 27, 2021),
19 *Foster v. Schindler Elevator Corp.*, Alameda County Superior Court Case no. RG19029640 (March
20 2, 2021), *Martin v. Streetplus Company, LLC, et al*, Los Angeles Superior Court Case No.
21 19STCV15522 (July 13, 2021), *Morris v. Blue Mountain Enterprises, LLC*, Solano County
Superior Court, Case No. FCS05.858 (August 4, 2021).

22 14. On June 14, 2019, I argued two related cases in front of the Ninth Circuit Court of
23 Appeals. One of them was *Rodriguez v Nike Retail Service Inc.*, Case No. 17-16866. On June 28,
24 2019, the Ninth Circuit issued a published decision, reversing and remanding in favor of our clients.
25 *Rodriguez v. Nike Retail Servs., Inc.*, 928 F.3d 810 (9th Cir. 2019).

26 15. I have also assisted the firm in numerous wage and hour class action mediations.

27 16. To date, I have incurred approximately 134.1 hours in connection with the litigation
28 of this lawsuit. Attached hereto as **Exhibit A** is a chart summarizing the amount of work I have

1 incurred to date on this matter.

2 17. In addition to the hours above, I also anticipate spending an additional 5 hours
3 through the completion of this case to handle any post-final approval and settlement matters,
4 including payments from the Settlement Administrator and any related issues.

5 18. Thus, I anticipate the total amount of my fees incurred in this case to be
6 approximately \$83,460.00, based on an hourly rate of \$600.00 per hour, including 5 hours in
7 anticipated time spent after the Court grants final approval (139.1 hours x \$600.00 per hour).

8 19. I have been approved at \$600.00 per hour in *Weybrew v. BEI Construction*, Solano
9 County Superior Court Case No. FCS055658 (January 14, 2022), *In re See's Candies Wage and*
10 *Hour Cases*, Case No. JCCP5004 (March 30, 2022), Los Angeles Superior Court, *Pevey v. Lumber*
11 *City Corp*, San Bernardino County Superior Court Case No. CIVDS2010240 (May 2, 2022), *Ross v*
12 *Stater Bros. Markets*, San Bernardino County Superior Court Case No. CIVDS1902518 (September
13 8, 2022), and *Schneider v. Amazon Retail LLC*, Los Angeles County Superior Court Case No.
14 21STCV26226 (December 1, 2022). Prior to that throughout 2020 and 2021, I was approved at an
15 hourly rate of at \$550.00 per hour in *James v RADC Enterprises, Inc.*, San Bernardino County
16 Superior Court, Case No. CIV-DS1933035 (September 29, 2020), *Hector Luna v. Triple Canopy,*
17 *Inc.*, Santa Clara County Superior Court, Case No. 19CV345169 (October 22, 2020), *Melbert*
18 *Magpugay v. Harbor Electronics, Inc.*, Santa Clara County Superior Court Case No. 19CV352547
19 (January 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*, Solano
County Superior Court, Case No. FCS05858 (August 4, 2021).

22 20. My office has incurred costs in the amount of \$8,390.98. The costs are all litigation
23 related costs, including filing and service fees, postage fees, and costs associated with mediation.
24 Attached hereto as **Exhibit B** is copy of the costs incurred in connection with prosecution of this
25 lawsuit.

26 21. Concurrent with the filing of the Motion for Final Approval of Class Action
27 Settlement, my office uploaded the Motion to the LWDA's website.

28 I declare under penalty of perjury under the laws of the State of California that the foregoing

1 is true and correct.

2 Executed on this 16th day of April 2024, at Los Angeles, California.

3 

4 Max W. Gavron

EXHIBIT A

Rebello Showalter v. Northern California Chair Corporation
Time and Task Chart for Max W. Gavron

Hours	Description of Work
15.7	Factual investigation, interviews with client; draft and revise PAGA letter, further confer with co-counsel and client to prepare for filing of action.
1.3	Analyze and review dockets re potential prior actions filed against Defendant; research and strategize re same.
2.1	Draft complaint; further review and revise complaint
5.5	Meet and confer with opposing counsel for case management conferences, draft, review and revise several joint statements and updated statements in connection therewith
4.9	Draft and revise written discovery; review client documents to prepare same; confer with co-counsel re same.
10.5	Analyze and review Defendant's responses to written discovery; assess items on which to meet and confer; draft and revise meet and confer correspondence and confer with defense counsel re same.
8.1	Analyze, review, and summarize documents produced by Defendant in response to discovery requests; confer with co-counsel re same and address in meet and confer efforts.
7.4	Correspond with and engage third-party administrator to distribute Belaire-West notice; confer with Defendant's counsel re same and meet and confer re failure to provide contact list to third-party administrator.
3.2	Meet and confer with opposing counsel regarding mediation; draft and prepare informal discovery request in connection with mediation; analyze and review Defendant's document production to address same; confer with co-counsel re same.
5.4	Review and analyze production of informal discovery for mediation, including class payroll data, wage statements, and documents re: Defendant's various policies; numerous meet and confer communications with opposing counsel regarding data and documents and regarding liability issues
9.9	Prepare for and attend mediation; confer with client re same; confer with co-counsel re same.
2.7	Analyze and review discovery responses and data produced following failed mediation attempt; strategize re next steps; confer with co-counsel re same.
1.8	Draft and revise notice of deposition for Defendant's Person Most Qualified; meet and confer with Defendant's counsel re same.
6.2	Draft and revise deposition outline for deposition of Defendant's Person Most Qualified; analyze and review documents produced by Defendant to prepare same and compile proposed exhibits; confer with co-counsel re same.

4.3	Multiple follow-up calls with mediator re potential settlement; confer with Defendant's counsel re same; analyze and review additional information provided in settlement discussions following mediation.
3.5	Review and revise MOU; further confer with opposing counsel regarding the terms therein; confer with co-counsel re same
7.4	Draft, review and revise long-form settlement agreement; confer with opposing counsel regarding terms therein; confer with client regarding same
2.5	Review and revise class notice to be sent to class members; confer with opposing counsel regarding same
.9	Confer with settlement administrator re notice and proposed bid
7.3	Draft motion for preliminary approval of settlement, proposed order, and supporting documents; further revise same
1.8	Review the Court's tentative ruling granting preliminary approval of settlement; further revise class notice pursuant to the Court's instructions; draft and revise supplemental declaration and prepare amended proposed order considering tentative ruling; confer with client re same.
1.1	Confer and correspond with settlement administrator regarding administration timeline and dissemination of class notice
1.2	Review reports from settlement administrator re response to class notice
12.5	Field calls from class members following distribution of notice; confer with co-counsel re same.
6.9	Draft motion for final approval of settlement, proposed order, and supporting documents; further revise same.
<u>134.1</u>	<u>TOTAL HOURS</u>

EXHIBIT B

4/5/2024
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DIVERSITY LAW GROUP
Slip Listing

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Selection Criteria

Slip Classification Open
Client (hand select) Include: Rebelo Showalter, Marie v. Nor
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		
66133	EXP	Olympia	1	0.00	0.00
2/12/2021		Court fees			
WIP		Rebelo Showalter, Marie v. N			
LWDA					
66538	EXP	Olympia	1	6.96	6.96
2/28/2021		Postage			
WIP		Rebelo Showalter, Marie v. N			
Postage					
66311	EXP	Olympia	1	1483.77	1483.77
3/2/2021		Court fees			
WIP		Rebelo Showalter, Marie v. N			
Odyssey - Complaint					
66791	EXP	Olympia	1	147.25	147.25
3/17/2021		Atty Service			
WIP		Rebelo Showalter, Marie v. N			
Attorney Service - Complaint Service					
66727	EXP	Erika Mejia	1	5.72	5.72
4/2/2021		Court fees			
WIP		Rebelo Showalter, Marie v. N			
Odyssey - POS of Summons					
69513	EXP	Christine S. Lee	1	5.72	5.72
10/29/2021		Court fees			
WIP		Rebelo Showalter, Marie v. N			
Odyssey - Joint CMS					
69542	EXP	Max Gavron	1	94.00	94.00
11/3/2021		Court fees			
WIP		Rebelo Showalter, Marie v. N			
Courtcall					
73477	EXP	Olympia	1	5.72	5.72
11/4/2022		Court fees			
WIP		Rebelo Showalter, Marie v. N			
Odyssey - Joint CMS					

4/5/2024
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Slip Listing

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Slip ID Dates and Time Posting Status Description	Timekeeper Activity Client Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
74479 2/17/2023 WIP JAMS Mediation	EXP Olympia Arbitrators Rebelo Showalter, Marie v. N	1	5000.00	5000.00
75042 5/5/2023 WIP Odyssey - CMS	EXP Erika Mejia Court fees Rebelo Showalter, Marie v. N	1	5.72	5.72
75207 5/23/2023 WIP Odyssey - Stip re Class Cert Briefing	EXP Olympia Court fees Rebelo Showalter, Marie v. N	1	26.32	26.32
75531 6/27/2023 WIP Odyssey - Plaintiff's IDC Statement	EXP Linda Lee Court fees Rebelo Showalter, Marie v. N	1	5.72	5.72
75825 8/7/2023 WIP JAMS Mediation	EXP Olympia Arbitrators Rebelo Showalter, Marie v. N	1	1269.40	1269.40
76334 10/10/2023 WIP Odyssey - MPA	EXP Erika Mejia Court fees Rebelo Showalter, Marie v. N	1	67.52	67.52
76603 11/9/2023 WIP Odyssey - Supp Decl of MG iso MPA	EXP Olympia Court fees Rebelo Showalter, Marie v. N	1	5.72	5.72
76861 11/28/2023 WIP Odyssey - Amended Prop Order	EXP Olympia Court fees Rebelo Showalter, Marie v. N	1	5.72	5.72
76917 12/8/2023 WIP Odyssey - NOE	EXP Olympia Court fees Rebelo Showalter, Marie v. N	1	5.72	5.72
77979 4/5/2024 WIP MFA Filing Fees	EXP Max Gavron Court fees Rebelo Showalter, Marie v. N	1	250.00	250.00

4/5/2024
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DIVERSITY LAW GROUP
Slip Listing

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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		
Grand Total				
	Billable	0.00		8390.98
	Unbillable	0.00		0.00
	Total	0.00		8390.98