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Attorneys for Plaintiff, the Class, and Aggrieved Employees

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF CONTRA COSTA

JAMIE KENNEDY, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

UNIVAR SOLUTIONS USA INC., a
Washington corporation; and DOES 1
through 50, inclusive,

Defendants.

Case No.: MSC21-00272

[Assigned for all purposes to the Hon. E. Weil,
Department 39]

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

Date: January 26, 2023

Time: 9:00 a.m.

Dept: 39

Complaint Filed: February 16, 2021

Trial Date: Not Set

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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 Named Plaintiff Jamie Kennedy (“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 Joint Stipulation of Class Action Settlement (“Settlement 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 a highly experienced and well-known mediator, Joel Grossman, Esq.

4. In connection with mediation, the Parties also conducted informal discovery and significant exchanges of information before mediation regarding class data for the entire class, including the number of class members, the hourly rates of pay for class members, as well as policy documents and information pertaining to Defendant's policies and practices regarding payment of sick pay wages. The exchange of informal discovery allowed Plaintiff's Counsel to analyze liability and exposure.

5. 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 Members, 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.

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

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

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

13 9. From February 2016, through Fall 2017, I practiced at the international law firm
14 of Arnold & Porter, which had recently merged with Kaye Scholer, LLP. I defended Fortune 50
15 companies in Multi-District Litigation primarily in the product liability sphere. I also
16 successfully drafted an appellate brief in the Ninth Circuit resulting in the reversal of a summary
17 judgment decision regarding trade secret issues, which resulted in a published opinion. *See*
18 *Experian Information Solutions, Inc. v. Nationwide Marketing Services Incorporated*, 893 F.3d
19 1176 (9th Cir. 2018). I also worked in several other practice groups. While working at Arnold &
20 Porter, the firm routinely billed for my services at rates ranging from \$375 to \$550 per hour.

21 10. From September 2017, through September 2018, I served as a law clerk to a
22 Judge sitting on the United States District Court, Central District of California. I regularly
23 prepared bench memoranda, on cases involving all types of civil litigation, including regularly
24 working on wage and hour class actions.

25 11. I am currently an associate at the law firm Diversity Law Group, P.C., an
26 employment law firm that has handled numerous wage and hour class and individual actions, on
27 both plaintiff and defense sides. My current practice focuses on employment matters involving
28 both class actions, and single plaintiffs. The firm currently has cases in the Los Angeles Superior

Courts, the Orange County Superior Courts, the San Diego County Superior Courts, and the United States District Courts for the Central, Northern, and Eastern Districts of California. I am currently handling or have handled numerous wage and hour class action lawsuits with the firm, including, but not limited to: *Agar v. Sensient Natural Ingredients, LLC* (Case No. CV-19-001906, Stanislaus County Superior Court); *Cunningham, et al. v. Diverse Business Solutions* (Case No. CIVDS1817095, San Bernardino County Superior Court); *Heredia v. Eddie Bauer LLC* (Case No. 16CV300475, United States District Court, Northern District of California); *Parsons v. Estenson Logistics, LLC* (Case No. 34-2019-00252929, Sacramento County Superior Court); *Wood v. Reeve Trucking Co., Inc.* (Case No. STK-CV-UOE-2018-0004414, San Joaquin County Superior Court); and *Coronel v. Pinnacle Agriculture* (Case No. 18CV004287, Monterey County Superior Court).

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

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

14. To date, I have incurred approximately 72.8 hours in connection with the litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have incurred to date.

15. I have been approved at \$600.00 per hour in *Weybrew v. BEI Construction*, Solano County Superior Court Case No. FCS055658 (January 14, 2022), *In re See's Candies Wage and Hour Cases*, Case No. JCCP5004 (March 30, 2022), Los Angeles Superior Court, *Pevey v. Lumber City Corp*, San Bernardino County Superior Court Case No. CIVDS2010240

(May 2, 2022), *Ross v Stater Bros. Markets*, San Bernardino County Superior Court Case No. CIVDS1902518 (September 8, 2022), and *Schneider v. Amazon Retail LLC*, Los Angeles County Superior Court Case No. 21STCV26226 (December 1, 2022). Prior to that, throughout 2020 and 2021, I was approved at an hourly rate of at \$550.00 per hour in *James v RADC Enterprises, Inc.*, San Bernardino County Superior Court, Case No. CIV-DS1933035 (September 29, 2020), *Hector Luna v. Triple Canopy, Inc.*, Santa Clara County Superior Court, Case No. 19CV345169 (October 22, 2020), *Melbert Magpugay v. Harbor Electronics, Inc.*, Santa Clara County Superior Court Case No. 19CV352547 (January 27, 2021), *Foster v. Schindler Elevator Corp.*, Alameda County Superior Court Case no. RG19029640 (March 2, 2021), *Martin v. Streetplus Company, LLC, et al*, Los Angeles Superior Court Case No. 19STCV15522 (July 13, 2021), *Morris v. Blue Mountain Enterprises, LLC*, Solano County Superior Court, Case No. FCS05.858 (August 4, 2021).

16. In addition to the hours above, I also anticipate spending an additional 5 hours through the completion of this case to handle any post-final approval and settlement matters, including communications with the Settlement Administrator and/or any potential issues related to payments from the Settlement Administrator and any other related issues.

17. Thus, I anticipate the total amount of my fees incurred in this case to be approximately \$46,680.00 based on 77.8 total hours, which includes 5 anticipated hours, at an hourly rate of \$600.00 per hour.

18. My office has incurred costs in the amount of \$8,182.70. The costs are all litigation related costs. Attached hereto as **Exhibit B** is copy of the costs incurred in connection with prosecution of this lawsuit.

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19. Concurrent with the filing of Plaintiff's Motion, my office provided notice to the Labor and Workforce Development Agency.

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

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


Max W. Gavron

EXHIBIT A

Kennedy v. Univar Solutions
Time and Task Chart for Max W. Gavron

Hours	Description of Work
12.4	Factual investigation, review of file and client documents and paystubs, review PAGA letter upon assignment to case.
2.4	Legal research re viability of claim for waiting time penalties premised on Labor Code § 203.
3.1	Draft and revise complaint
2.3	Meet and confer with opposing counsel upon receipt of responsive pleading; confer with co-counsel re same.
2.9	Draft and revise first set of discovery to Defendant.
2.1	Meet and confer with Defendant's counsel re possibility of early mediation; discussion re impact of related case; confer with co-counsel re same.
2.3	Draft and revise requests for data and information in advance of mediation; review file and confer with client re same to prepare requests.
7.2	Draft and revise mediation brief; review and analyze data and policies provided by Defendant in advance of mediation.
9.1	Prepare for and participate in mediation.
10.1	Draft and revise settlement agreement; confer with defense counsel re same; confer with co-counsel re same.
1.9	Multiple follow-ups with Defense counsel re finalization of settlement agreement.
1.2	Confer with settlement administrator and defense counsel in conjunction with finalizing settlement agreement and proposed notice.
6.2	Draft and revise motion for preliminary approval and supporting documents; confer with co-counsel and defense counsel re same.
2.5	Prepare for and attend hearing on Motion for Preliminary Approval; draft and revise supplemental declarations after reviewing tentative ruling.
7.1	Draft motion for final approval of settlement, proposed order, and supporting documents; further revise same; confer with co-counsel and opposing counsel regarding same
<u>72.8</u>	<u>TOTAL HOURS</u>

EXHIBIT B

1/3/2023
9:23 AM

DIVERSITY LAW GROUP
Slip Listing

Page 1

Selection Criteria

Slip.Classification Open
Client (hand select) Include: Kennedy, Jamie v. Univar
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		
66015	EXP	Olympia	1	75.00	75.00
2/4/2021		Court fees			
WIP		Kennedy, Jamie v. Univar			
LWDA					
66423	EXP	Olympia	1	1683.63	1683.63
2/12/2021		Atty Service			
WIP		Kennedy, Jamie v. Univar			
Attorney Service - Complaint					
66509	EXP	Olympia	1	6.90	6.90
2/28/2021		Postage			
WIP		Kennedy, Jamie v. Univar			
Postage					
66767	EXP	Olympia	1	67.99	67.99
3/5/2021		Atty Service			
WIP		Kennedy, Jamie v. Univar			
Attorney Service - Complaint Service					
66817	EXP	Olympia	1	102.13	102.13
3/24/2021		Atty Service			
WIP		Kennedy, Jamie v. Univar			
Attorney Service - POS of Summons					
67471	EXP	Olympia	1	105.13	105.13
5/12/2021		Atty Service			
WIP		Kennedy, Jamie v. Univar			
Attorney Service - Joint CMS					
67228	EXP	Max Gavron	1	94.00	94.00
5/17/2021		Court fees			
WIP		Kennedy, Jamie v. Univar			
Courtcall					
67685	EXP	Olympia	12	0.25	3.00
5/31/2021		Photocopies			
WIP		Kennedy, Jamie v. Univar			
Photocopies					

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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		
67686	EXP	Olympia	1	1.42	1.42
5/31/2021		Postage			
WIP		Kennedy, Jamie v. Univar			
Postage					
67431	EXP	Olympia	1	29.00	29.00
6/3/2021		Court fees			
WIP		Kennedy, Jamie v. Univar			
File & ServeXpress - Notice of Order re E					
Service					
68446	EXP	Max Gavron	1	94.00	94.00
8/18/2021		Court fees			
WIP		Kennedy, Jamie v. Univar			
Courtcall					
68712	EXP	Olympia	1	54.30	54.30
9/2/2021		Court fees			
WIP		Kennedy, Jamie v. Univar			
File & ServeXpress - Joint CMS					
69187	EXP	Olympia	1	5450.00	5450.00
10/6/2021		Arbitrators			
WIP		Kennedy, Jamie v. Univar			
JAMS Mediation					
70098	EXP	Max Gavron	1	94.00	94.00
12/15/2021		Court fees			
WIP		Kennedy, Jamie v. Univar			
Courtcall					
70252	EXP	Olympia	1	29.00	29.00
1/5/2022		Court fees			
WIP		Kennedy, Jamie v. Univar			
File & ServeXpress - Joint CMS					
71413	EXP	Max Gavron	1	94.00	94.00
4/13/2022		Court fees			
WIP		Kennedy, Jamie v. Univar			
Courtcall					
71723	EXP	Olympia	1	54.30	54.30
5/6/2022		Court fees			
WIP		Kennedy, Jamie v. Univar			
File & ServeXpress - Joint CMS					
72612	EXP	Erika Mejia	1	65.25	65.25
8/1/2022		Court fees			
WIP		Kennedy, Jamie v. Univar			
Odyssey - MPA					

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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		
72708	EXP	Erika Mejia	1	3.60	3.60
8/10/2022		Court fees			
WIP		Kennedy, Jamie v. Univar			
Odyssey - Joint CMS					
72789	EXP	Erika Mejia	1	3.60	3.60
8/17/2022		Court fees			
WIP		Kennedy, Jamie v. Univar			
Odyssey - Amended Notice of MPA					
73006	EXP	Linda Lee	1	3.60	3.60
9/15/2022		Court fees			
WIP		Kennedy, Jamie v. Univar			
Odyssey - Supp Decls					
73032	EXP	Linda Lee	1	3.60	3.60
9/21/2022		Court fees			
WIP		Kennedy, Jamie v. Univar			
Odyssey - Amended Prop Order re MPA					
73954	EXP	Olympia	1	65.25	65.25
1/3/2023		Court fees			
WIP		Kennedy, Jamie v. Univar			
MFA Costs					
Grand Total					
			Billable	0.00	8182.70
			Unbillable	0.00	0.00
			Total	0.00	8182.70