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Attorneys for Plaintiff and the Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE**

CASSANDRA NEGRETE, as an individual
and on behalf of all others similarly situated,

Plaintiff,

vs.

WINSUPPLY INC., a Delaware
corporation; ORANGE COUNTY
WINDUSTRIAL CO., a Delaware
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 30-2021-01188066-CU-OE-CXC

(Assigned for all purposes to the Hon. Randall J.
Sherman, Dept. CX105)

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

Date: July 14, 2023

Time: 10:00 a.m.

Dept.: CX105

Complaint Filed: March 9, 2021

FAC Filed: April 13, 2022

SAC Filed: January 19, 2023

Trial Date: None 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 Plaintiff Cassandra Negrete (“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 Class Notice provided Class Members with my office's contact information, where they could further seek information regarding the settlement, leave questions for the Settlement Administrator, and update their address. As part of the settlement process, I have received a number of phone calls from Class Members regarding this settlement, all of whom I have responded to.

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

4. The Joint Stipulation of Class Action and PAGA Settlement was the product of negotiation between highly able and experienced attorneys on both sides who possessed the relevant data and extensive legal research which they had carefully analyzed. Class Counsel engaged in extensive factual investigation before settling, including reviewing class data. This allowed Plaintiff to conduct a full damage analysis.

5. The settlement in the case at bar warrants approval and carries a presumption of fairness. As previously noted in the application for Preliminary Approval, this current settlement was negotiated at arm's length. I support the settlement as fair, reasonable, and adequate, and in the best interest of the Class Members as a whole.

6. I have been approved as class counsel in numerous other wage/hour class actions that have been granted class certification and final approval.

7. To date, I have incurred approximately 232 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. I also anticipate spending an additional 5 hours handling post-approval matters like responding to class member inquiries, corresponding with the Settlement Administrator and addressing post-approval

1 filings.

2 8. Including 5 hours of anticipated time, the total lodestar for my hours will be
3 approximately \$142,200.00 based on an hourly rate of \$600.00 per hour (237 hours x \$600). I have
4 been approved at \$600.00 per hour in *Weybrew v. BEI Construction*, Solano County Superior Court
5 Case No. FCS055658 (January 14, 2022), *In re See's Candies Wage and Hour Cases*, Case No.
6 JCCP5004 (March 30, 2022), Los Angeles Superior Court, *Pevey v. Lumber City Corp*, San
7 Bernardino County Superior Court Case No. CIVDS2010240 (May 2, 2022), *Ross v Stater Bros.*
8 *Markets*, San Bernardino County Superior Court Case No. CIVDS1902518 (September 8, 2022),
9 and *Schneider v. Amazon Retail LLC*, Los Angeles County Superior Court Case No. 21STCV26226
10 (December 1, 2022). Prior to that throughout 2020 and 2021, I was approved at an hourly rate of at
11 \$550.00 per hour in *James v RADC Enterprises, Inc.*, San Bernardino County Superior Court, Case
12 No. CIV-DS1933035 (September 29, 2020), *Hector Luna v. Triple Canopy, Inc.*, Santa Clara
13 County Superior Court, Case No. 19CV345169 (October 22, 2020), *Melbert Magpugay v. Harbor*
14 *Electronics, Inc.*, Santa Clara County Superior Court Case No. 19CV352547 (January 27, 2021),
15 *Foster v. Schindler Elevator Corp.*, Alameda County Superior Court Case no. RG19029640 (March
16 2, 2021), *Martin v. Streetplus Company, LLC, et al*, Los Angeles Superior Court Case No.
17 19STCV15522 (July 13, 2021), *Morris v. Blue Mountain Enterprises, LLC*, Solano County
18 Superior Court, Case No. FCS05.858 (August 4, 2021).

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

27 10. I practiced civil litigation at Haight Brown & Bonesteel LLP from approximately
28 September 2013, through January 2016. I was third-chair in a federal court jury trial that resulted in

1 a defense verdict in our client's favor on a \$21 million commercial breach of contract dispute. I also
2 regularly litigated cases across the civil litigation spectrum, including employment matters.

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

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

12 13. I am currently an associate at the law firm Diversity Law Group, P.C., an
13 employment law firm that has handled numerous wage and hour class and individual actions, on
14 both plaintiff and defense sides. My current practice focuses on employment matters involving both
15 class actions, and single plaintiffs. The firm currently has cases in the Los Angeles Superior Courts,
16 the Orange County Superior Courts, the San Diego County Superior Courts, and the United States
17 District Courts for the Central, Northern, and Eastern Districts of California. I am currently
18 handling, or have handled, numerous wage and hour class action lawsuits with the firm, including,
19 but not limited to: *Agar v. Sensient Natural Ingredients, LLC* (Case No. CV-19-001906, Stanislaus
20 County Superior Court); *Heredia v. Eddie Bauer LLC* (Case No. 16CV300475, United States
21 District Court, Northern District of California); *Parsons v. Estenson Logistics, LLC* (Case No. 34-
22 2019-00252929, Sacramento County Superior Court); and *Rodas v. Goodyear Tire* (Case No. 21-
23 cv-07526, United States District Court, Central District of California), among many others.

24 14. On June 14, 2019, I argued two related cases in front of the Ninth Circuit Court of
25 Appeals. One of them was *Rodriguez v Nike Retail Service Inc.*, Case No. 17-16866. On June 28,
26 2019, the Ninth Circuit issued a published decision, reversing and remanding in favor of our clients.
27 *Rodriguez v. Nike Retail Servs., Inc.*, 928 F.3d 810 (9th Cir. 2019).

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

16. My firm has incurred costs in the amount of \$17,700.11. The costs are all litigation-related costs, including filing fees, messenger fees, mediation fees, and copy costs among others. Attached hereto as **Exhibit B** is copy of the costs my firm has incurred in connection with prosecution of this lawsuit.

17. On June 21, 2023, I caused the Motion and supporting documents to be uploaded to the LWDA's website. Attached hereto as **Exhibit C** is the confirmation of submission.

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

Executed on this 21 day of June 2023, at Los Angeles, California.


Max W. Gavron

EXHIBIT A

Negrete v. Winsupply Inc.
Max W. Gavron Time and Task Chart

Hours	Description of Work
29.6	Initial research and review of background facts in preparation for filing of class action claims; draft PAGA letter; confer with co-counsel re theories of liability and conduct research re same.
2.1	Conduct research re previously filed cases/prior releases of claims to be alleged.
18.6	Analysis and research re Defendant entities including whether franchised or operating as single entity/employer throughout State of California; conduct legal research re same.
5.1	Draft and revise Complaint.
.6	Analyze and review Court's minute order re complex determination; conduct research re assignment and determine whether to file peremptory challenge.
.7	Analyze and review Defendants' Answer to Complaint.
1.9	Meet and confer with Defendant's counsel in preparation for case management conference; confer with co-counsel re same; analyze and review requirements for initial case management conference; draft and revise Plaintiff's portion of joint statement.
1.8	Confer with defense counsel and co-counsel re mediation; research potential mediators and correspond re same.
3.7	Prepare initial set of written discovery; analyze file and confer with client to prepare same.
6.9	Analysis, strategy, and research re information required from Defendant to participate in mediation; draft and revise data requests for defense counsel in advance of mediation; confer with co-counsel re the same
3.3	Analyze and review policies and procedures provided by Defendant in response to data request to further evaluate liability and shape damages analysis/inform discussions with consultant.
4.7	Confer with and retain consultant to analyze time and pay data produced by Defendant in advance of mediation; confer with co-counsel re same.
3.5	Conduct further legal and factual research re joint employer liability given Defendant's production of documents, including impact of unified payroll processing and HR functions.
29.9	Analyze and review time and pay data to evaluate liability and damages; confer with consultant re same.
24.1	Conduct telephonic interviews of potential class members re theories of liability and payroll practices to prepare for mediation and further analyze liability and damages; confer with co-counsel re same; confer with client re same.
2.3	Analyze and review consultant's analysis; confer with consultant re same in anticipation of mediation; confer with co-counsel re same.

8.1	Draft and revise mediation brief; conduct legal research for same; review of case law; further analyze and review data provided by Defendant to calculate damages exposure in advance of mediation; confer with co-counsel.
11.3	Prepare for and attend mediation; confer with client and co-counsel re same.
1.6	Draft and revise stipulation for leave to file first amended complaint and first amended complaint and supplemental PAGA letter; correspond and confer with defense counsel re same; draft and revise notice of errata re same.
3.4	Draft and revise memorandum of understanding; confer with co-counsel and defense counsel re same.
8.5	Draft and revise settlement agreement and related documents (i.e., settlement agreement, class notice); conversations with opposing counsel and client re same; confer with co-counsel re terms of settlement agreement and make revisions considering same
7.9	Draft and revise Motion for Preliminary Approval and Declarations thereto; confer with co-counsel and opposing counsel re same; confer with client re declaration in support of settlement and approval process
.3	Draft and revise joint statement in advance of CMC; analyze and review minute order continuing same.
1.2	Analyze and review tentative ruling re Motion for Preliminary Approval; confer with defense counsel re same.
5.9	Draft and revise supplemental briefing, declaration, confer with co-counsel and defense counsel re same; draft and revise amendment to settlement agreement and amended class notice in response to court's tentative ruling re Motion for Preliminary Approval.
1.9	Draft and revise second supplemental PAGA letter and second amended complaint; draft and revise stipulation to file second amended complaint; confer with defense counsel re same; analyze and review Court's order granting request to file.
.9	Draft and revise second supplemental brief in support of preliminary approval; confer with co-counsel re same.
1.1	Analyze and review Court's order granting preliminary approval; confer with co-counsel and defense counsel re same; advise client of approval.
2.2	Confer with settlement administrator and defense counsel re distribution of notice to class members; confer with client re same.
6.2	Confer with defense counsel and settlement administrator re increase in settlement administration costs given additional tax filings; draft and revise stipulation re same; and ex parte application for court to approve revisions to class notice and anticipated settlement administration costs; review court's order approving same and confer with administrator.
25.6	Field calls from settlement class members; respond to inquires re status of settlement; confer with co-counsel re same; correspond with settlement administrator re same.
7.1	Draft and revise motion for final approval and supporting documents; confer with co-counsel and client re the same; conduct legal research re same

232	TOTAL HOURS
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EXHIBIT B

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DIVERSITY LAW GROUP
Slip Listing

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Selection Criteria

Slip Classification Open
Client (hand select) Include: Negrete, Cassandra v. Winsupl
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		
66327	EXP	Olympia	1	75.00	75.00
3/4/2021		Court fees			
WIP		Negrete, Cassandra v. Winsu			
LWDA					
66349	EXP	Olympia	1	1492.00	1492.00
3/10/2021		Court fees			
WIP		Negrete, Cassandra v. Winsu			
OneLegal - Complaint					
66814	EXP	Olympia	1	73.24	73.24
3/24/2021		Atty Service			
WIP		Negrete, Cassandra v. Winsu			
Attorney Service - Complaint Service					
66815	EXP	Olympia	1	45.25	45.25
3/24/2021		Atty Service			
WIP		Negrete, Cassandra v. Winsu			
Attorney Service - Complaint Service					
67032	EXP	Olympia	1	6.96	6.96
3/31/2021		Postage			
WIP		Negrete, Cassandra v. Winsu			
Postage					
66728	EXP	Erika Mejia	1	14.67	14.67
4/2/2021		Court fees			
WIP		Negrete, Cassandra v. Winsu			
OneLegal - POS of Summons					
66923	EXP	Olympia	1	14.67	14.67
4/14/2021		Court fees			
WIP		Negrete, Cassandra v. Winsu			
OneLegal - POS of Summons					
67347	EXP	Olympia	1	23.94	23.94
5/19/2021		Court fees			
WIP		Negrete, Cassandra v. Winsu			
OneLegal - Notice of Minute Order					

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DIVERSITY LAW GROUP
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
67701 5/31/2021 WIP Photocopies	EXP Olympia Photocopies Negrete, Cassandra v. Winsu	5	0.25	1.25
67702 5/31/2021 WIP Postage	EXP Olympia Postage Negrete, Cassandra v. Winsu	1	0.51	0.51
68437 8/13/2021 WIP One Legal - CMS	EXP Erika Mejia Court fees Negrete, Cassandra v. Winsu	1	17.50	17.50
69325 10/14/2021 WIP Steve Rottman Mediation	EXP Olympia Arbitrators Negrete, Cassandra v. Winsu	1	10000.00	10000.00
69870 12/6/2021 WIP One Legal - CMS	EXP Christine S. Lee Court fees Negrete, Cassandra v. Winsu	1	17.50	17.50
70762 2/17/2022 WIP Econ One	EXP Olympia Experts Negrete, Cassandra v. Winsu	1	5007.45	5007.45
71292 4/4/2022 WIP One Legal - Stip and Order re FAC	EXP Erika Mejia Court fees Negrete, Cassandra v. Winsu	1	40.92	40.92
71431 4/13/2022 WIP OneLegal - Notice of Errata & FAC	EXP Erika Mejia Court fees Negrete, Cassandra v. Winsu	1	19.30	19.30
71850 5/17/2022 WIP OneLegal - Motion	EXP Olympia Court fees Negrete, Cassandra v. Winsu	1	80.04	80.04
72765 8/15/2022 WIP OneLegal - Amended Notice of MPA	EXP Olympia Court fees Negrete, Cassandra v. Winsu	1	20.33	20.33

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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		
72797	EXP	Linda Lee	1	18.02	18.02
8/18/2022		Court fees			
WIP		Negrete, Cassandra v. Winsu			
OneLegal - CMS					
72920	EXP	Olympia	1	19.30	19.30
9/9/2022		Court fees			
WIP		Negrete, Cassandra v. Winsu			
OneLegal - Notice of Tentative Order					
73643	EXP	Erika Mejia	1	19.30	19.30
11/30/2022		Court fees			
WIP		Negrete, Cassandra v. Winsu			
OneLegal - Decl					
74020	EXP	Olympia	2	0.25	0.50
12/31/2022		Photocopies			
WIP		Negrete, Cassandra v. Winsu			
Photocopies					
74021	EXP	Olympia	1	6.57	6.57
12/31/2022		Postage			
WIP		Negrete, Cassandra v. Winsu			
Postage					
74170	EXP	Erika Mejia	1	40.92	40.92
1/17/2023		Court fees			
WIP		Negrete, Cassandra v. Winsu			
OneLegal - Proposed Order re SAC					
74239	EXP	Erika Mejia	1	20.80	20.80
1/20/2023		Court fees			
WIP		Negrete, Cassandra v. Winsu			
OneLegal - NOE & SAC					
74499	EXP	Erika Mejia	1	20.80	20.80
2/24/2023		Court fees			
WIP		Negrete, Cassandra v. Winsu			
OneLegal - Declaration					
74718	EXP	Olympia	1	82.57	82.57
3/22/2023		Court fees			
WIP		Negrete, Cassandra v. Winsu			
OneLegal - Ex Parte					
74721	EXP	Olympia	1	20.80	20.80
3/23/2023		Court fees			
WIP		Negrete, Cassandra v. Winsu			
OneLegal - NOE					

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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		
75495	EXP	Olympia	1	500.00	500.00
6/15/2023		Court fees			
WIP		Negrete, Cassandra v. Winsu			
Final Costs					
Grand Total					
			Billable	0.00	17700.11
			Unbillable	0.00	0.00
			Total	0.00	17700.11

EXHIBIT C