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Attorneys for Plaintiff David Long

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

DAVID LONG, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

CAPITOL COMPLIANCE
MANAGEMENT, LLC, et al.,

Defendants.

Case No.: 34-2021-00301119-CU-OE-GDS

CLASS ACTION

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

Date: August 25, 2023

Time: 9:00 a.m.

Dept.: 28

DAVID LONG, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

CAPITOL COMPLIANCE
MANAGEMENT, LLC, et al.

Defendants

RELATED CASE: 34-2021-00302928-CU-OE-
GDS

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I, Larry W. 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 Diversity Law Group, counsel of record for Plaintiff David Long (“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 class settlement, leave questions for the Settlement Administrator, and update their address.

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 (“Settlement Agreement”) was the product of negotiation between highly able and experienced attorneys on both sides who possessed the relevant data and legal research which they had carefully analyzed. Class Counsel engaged in extensive factual investigation before settling, including reviewing class data and Defendants’ pertinent policies and practices relevant to valuing this case. 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. I am one of the primary attorneys on this matter. My qualifications are as follows: I received my J.D. from Arizona State University College of Law in 2003. During law school, I was a summer associate at the law firm of Brobeck, Phleger & Harrison. I graduated cum laude from Arizona State University College of Law in the top 10% of my class. While I was in law school, I was the Associate Managing Editor of the Arizona State University College of Law,

1 Law Journal. Upon graduation, I practiced law as an associate at the Los Angeles County offices
2 of Ogletree Deakins Nash Smoak & Stewart, P.C., a national employment defense law firm that
3 represents a significant number of Fortune 500 companies.

4 8. My firm's primary focus is employment law. I have handled a number of wage
5 and hour matters including class actions and multiple-plaintiff actions. I have a practice that
6 encompasses cases throughout the State of California, including but not limited to the Los
7 Angeles Superior Courts, the Orange County Superior Courts, the San Francisco County
8 Superior Courts, the San Diego County Superior Courts, and the United States District Courts for
9 the Central, Eastern, Northern, and Southern Districts of California.

10 9. I have been named as class counsel in a number of class actions that have been
11 granted final approval by the Superior Courts of Los Angeles County, Orange County, San
12 Francisco County, Alameda County, Contra Costa County, Monterey County, San Bernardino
13 County, Santa Clara County, Sonoma County, and other counties, as well as the United States
14 District Court for the Central, Eastern, and Northern Districts of California, including but not
15 limited to the following class actions: *Chan Lanier v. Citigroup, Inc. et al.*, San Francisco
16 Superior Court Case No. CGC-05-445143; *Naqvi v. Acoustic Home Loans et al.*, Orange County
17 Superior Court Case No. 05CC00263; *Ortega v. AIG*, Central District of California Case No. CV
18 06-0196-RSWL (PJWx); *Universal Protection Overtime Cases*, Orange County Superior Court,
19 Judicial Council Coordination Proceeding No. 4480; *Hernandez v. CVS Corp. et al.*, Judicial
20 Council Coordination Proceeding No. 4539; *Padilla v. Safeway*, San Benito County Superior
21 Court Case No. CU-16-00182; *Valles v. Community Hospital of the Monterey Peninsula*,
22 Monterey County Superior Court Case No. 17CV003452; *DirecTv Wage and Hour Cases*, Santa
23 Clara Superior Court Judicial Council Coordination Proceeding No. 4850; *Perez v. Standard*
24 *Drywall, Inc.*, Alameda County Superior Court Case No. RG15761142; and *Davis v. Nugget*
25 *Market, Inc.*, Yolo County Superior Court Case No. CV-18-558.

26 10. To date, I have incurred approximately 58.2 hours in connection with the
27 litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have incurred
28 to date.

11. The total lodestar for my hours will be approximately \$46,560.00 based on an hourly rate of \$800.00 per hour. Since at least 2020, I have been approved at an hourly rate of \$750.00 per hour by various Courts. Examples of these Courts include the following cases: *Hernandez v. Wells Fargo Bank*, Santa Clara County Superior Court Case No. 16CV299319, *Carrillo v. New Balance Athletics, Inc.*, Santa Clara County Superior Court Case No. 19CV352469; *Ramirez v. Walgreen Co.*, United States District Court, Northern District of California Case No. 18-cv-03921-EJD, *Chavez v. Converse, Inc.*, United States District Court, Northern District of California Case No. 15-cv-03746-NC; *Foster v. Schindler Elevator Corporation*, Alameda County Superior Court Case No. RG19029640; *Foaad Hanna v. Equinix, LLC*, Santa Clara County Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles County Superior Court Case No. BC720144; *Mary Della Maggiora v. Watsonville Community Hospital*, Santa Cruz County Superior Court Case No. 18CV00191; *Pittman v. Martinez Steel Corporation*, San Bernardino County Superior Court Case No. CIVDS1823132; *Michael Randolph v. Pacific Racing Association*, Alameda County Superior Court Case No. RG18908139; *Markham v. Quik Stop Markets, Inc.*, Santa Clara County Superior Court Case No. 19CV341582; *Siron v. Raypak, Inc.*, Ventura County Superior Court Case No. 56-2019-005279959-CU-OE-VTA; *Carter v. Kline Services, Inc.*, San Bernardino County Superior Court Case No. CIVDS1828867, and *Prexxie Pascual and Arturo Fonseca v. Satellite Healthcare, Inc.*, Santa Clara County Superior Court Case No. 19CV345211. I was approved at an hourly rate of \$800.00 per hour in *Martinez and Acosta v. City of Hope National Medical Center, et al.*, San Bernardino County Superior Court Case No. CIVDS2015729, *Jaime Moen v. Genentech, Inc.*, San Diego County Superior Court Case No. 37-2021-00008619-CU-OE-CTL, *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.

12. My firm has incurred costs in the amount of \$10,410.29. The costs are all litigation related costs, including filing fees, messenger costs, mediation fees, and other costs. Attached hereto as **Exhibit B** is copy of the costs my firm has incurred in connection with

1 prosecution of this lawsuit.

2 13. I do not have any connection or conflict of interest with the proposed cy pres
3 beneficiary, Legal Aid At Work.

4 14. Plaintiff signed a written retainer agreement that governs my firm and my co-
5 counsel's representation of him in this action. The written agreement expressly provides that the
6 fees ultimately approved by the Court will be split between counsel. Pursuant to the written
7 agreement, Diversity Law Group will receive two-thirds (2/3) of the legal fees recovered and
8 Webber & Egbert Employment Law, P.C. (formerly Webber Law Group, P.C.) will receive one-
9 third (1/3) of the legal fees recovered. The written agreement advised Plaintiff that the agreement
10 to split legal fees would not increase the fees owed by Plaintiff for his representation.

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

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

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16 Larry W. Lee
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EXHIBIT A

Long v. Capitol Compliance, et al.
Larry W. Lee Time and Task Chart

Hours	Description of Work
8.1	Review client documents; research background of Defendants; research potential causes of action and viability of same
4.3	Review and revise complaints and PAGA letter; review and revise stip to consolidate
2.1	Review and revise motion to consolidate
1.6	Review and revise joint cmc statements; confer with counsel re same
7.3	Review and revise first set of written discovery to Defendants; review Defendants' responses to same; meet and confer re same; review documents produced by Defendants
1.6	Discussions with counsel re mediation and necessary class payroll data
3.2	Review payroll data produced by Defendants; review and revise class damages re same
5.1	Review and revise mediation brief; legal research re same
12.4	Attend mediation; follow up discussions with counsel and mediator re settlement; review Defendants' financial records re same
2.4	Review and revise MOU
4.7	Review and revise long form settlement documents
3.3	Review and revise Motion for Preliminary Approval and supporting documents
2.1	Review and revise Motion for Final Approval and supporting documents
58.2	TOTAL HOURS

EXHIBIT B

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DIVERSITY LAW GROUP
Slip Listing

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Selection Criteria

Slip.Classification Open
Client (hand select) Include: Long, David v. Capitol CA
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		
67056	EXP	Linda Lee	1	75.00	75.00
4/26/2021		Court fees			
WIP		Long, David v. Capitol CA			
LWDA					
67278	EXP	Olympia	1	6.96	6.96
4/30/2021		Postage			
WIP		Long, David v. Capitol CA			
Postage					
67493	EXP	Olympia	1	1645.45	1645.45
5/20/2021		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - Complaint					
67789	EXP	Olympia	1	81.99	81.99
6/8/2021		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - Complaint Service					
67790	EXP	Olympia	1	54.00	54.00
6/8/2021		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - Complaint Service					
67791	EXP	Olympia	1	54.00	54.00
6/8/2021		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - Complaint Service					
67792	EXP	Olympia	1	54.00	54.00
6/8/2021		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - Complaint Service					
67793	EXP	Olympia	1	54.00	54.00
6/8/2021		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - Complaint Service					

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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		
67795	EXP	Olympia	1	54.00	54.00
6/8/2021		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - Complaint Service					
67821	EXP	Olympia	1	53.95	53.95
6/15/2021		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - Notice					
67833	EXP	Olympia	1	536.45	536.45
6/21/2021		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - Complaint					
67839	EXP	Olympia	1	58.45	58.45
6/22/2021		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - POS of Summons					
67840	EXP	Olympia	1	54.95	54.95
6/23/2021		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - Notice					
67901	EXP	Olympia	48	0.25	12.00
6/30/2021		Photocopies			
WIP		Long, David v. Capitol CA			
Photocopies					
67902	EXP	Olympia	1	6.12	6.12
6/30/2021		Postage			
WIP		Long, David v. Capitol CA			
Postage					
68366	EXP	Olympia	1	86.09	86.09
7/20/2021		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - Joint Stip					
68375	EXP	Olympia	1	53.95	53.95
7/27/2021		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - Notice					
68376	EXP	Olympia	1	54.45	54.45
7/27/2021		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - Notice					

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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		
68475	EXP	Olympia	24	0.25	6.00
7/31/2021		Photocopies			
WIP		Long, David v. Capitol CA			
Photocopies					
68476	EXP	Olympia	1	3.60	3.60
7/31/2021		Postage			
WIP		Long, David v. Capitol CA			
Postage					
68867	EXP	Olympia	1	59.45	59.45
8/10/2021		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - Notice of CMC					
68933	EXP	Olympia	1	144.95	144.95
8/30/2021		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - Mtn to Consolidate					
69887	EXP	Olympia	1	33.55	33.55
8/30/2021		Delivery serv			
WIP		Long, David v. Capitol CA			
Federal Express					
68795	EXP	Olympia	1	4.80	4.80
8/31/2021		Postage			
WIP		Long, David v. Capitol CA			
Postage					
68794	EXP	Olympia	42	0.25	10.50
8/31/2021		Photocopies			
WIP		Long, David v. Capitol CA			
Photocopies					
69408	EXP	Olympia	1	33.55	33.55
9/2/2021		Delivery serv			
WIP		Long, David v. Capitol CA			
Federal Express					
69172	EXP	Olympia	1	78.95	78.95
9/27/2021		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - Motion to Consolidate					
69175	EXP	Olympia	1	59.95	59.95
9/28/2021		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - Request for Dismissal					

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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		
69174	EXP	Olympia	1	59.95	59.95
9/28/2021		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - Request for Dismissal					
69571	EXP	Olympia	1	57.45	57.45
10/5/2021		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - NOE					
69573	EXP	Olympia	1	57.45	57.45
10/7/2021		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - NOE					
69966	EXP	Olympia	1	53.21	53.21
11/15/2021		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - Notice of New Case Number					
70305	EXP	Christine S. Lee	1	135.71	135.71
12/10/2021		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - FAC & Stip & Order					
70605	EXP	Christine S. Lee	1	95.21	95.21
1/19/2022		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - Stip & Order					
70615	EXP	Olympia	1	60.21	60.21
1/21/2022		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - Notice					
71027	EXP	Olympia	1	72.54	72.54
2/11/2022		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - NOE					
71036	EXP	Olympia	1	59.21	59.21
2/15/2022		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - Amendment to Complaint					
71056	EXP	Olympia	1	58.71	58.71
2/17/2022		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - CMS					

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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		
72253	EXP	Olympia	1	3737.50	3737.50
6/24/2022		Arbitrators			
WIP		Long, David v. Capitol CA			
JAMS Mediation					
72705	EXP	Olympia	1	37.85	37.85
7/8/2022		Delivery serv			
WIP		Long, David v. Capitol CA			
Federal Express					
72435	EXP	Olympia	1	1550.00	1550.00
7/13/2022		Experts			
WIP		Long, David v. Capitol CA			
JTC Corporation					
72966	EXP	Olympia	1	58.71	58.71
8/12/2022		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - Joint CMS					
73836	EXP	Erika Mejia	1	62.74	62.74
11/22/2022		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - Joint CMS					
74382	EXP	Erika Mejia	1	62.74	62.74
1/24/2023		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - Joint CMS					
74851	EXP	Erika Mejia	1	276.99	276.99
3/2/2023		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - MPA					
74887	EXP	Erika Mejia	1	103.24	103.24
3/28/2023		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - Supp Decl & Amended Proposed Order					
75436	EXP	Erika Mejia	1	75.27	75.27
5/10/2023		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - Stip					
75441	EXP	Erika Mejia	1	104.49	104.49
5/15/2023		Atty Service			
WIP		Long, David v. Capitol CA			
Attorney Service - NOE					

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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		
75734	EXP	Olympia	1	200.00	200.00
7/24/2023		Court fees			
WIP		Long, David v. Capitol CA			
MFA Filing Fees					
Grand Total					
			Billable	0.00	10410.29
			Unbillable	0.00	0.00
			Total	0.00	10410.29