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Attorneys for Plaintiff and Aggrieved Employees

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

BENJAMIN BROWN-BAXTER, as an
individual and on behalf of aggrieved
employees,

Plaintiff,

vs.

TUTOR PERINI CORPORATION, a
Massachusetts corporation; DESERT
MECHANICAL, INC., a Nevada
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 21STCV30039

(Assigned to the Honorable Colin P. Leis, Dept.
74)

**DECLARATION OF LARRY W. LEE IN
SUPPORT OF PLAINTIFF'S MOTION TO
APPROVE THE PARTIES' SETTLEMENT
AGREEMENT PURSUANT TO THE LABOR
CODE PRIVATE ATTORNEYS GENERAL
ACT OF 2004**

Reservation No.: 326040727832

Date: August 23, 2023

Time: 8:30 A.M.

Dept.: 74

Action Filed: August 13, 2021

Trial Date: April 22, 2024

DECLARATION OF LARRY W. LEE

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, P.C., counsel of record for Plaintiff Benjamin Baxter-Brown ("Plaintiff"). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

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

3. From the inception of the case, PAGA Counsel have zealously represented the interests of Plaintiff and the Aggrieved Employees. The settlement was obtained for the benefit of the Aggrieved Employees, as opposed to the individual Plaintiff.

4. I strongly believe that Plaintiff can prevail at trial. However, I also believe in the fairness of the settlement, which is based on factoring in the inherent risks in drawn-out litigation, as well as the possibility of appeals.

5. After taking into account sharply disputed factual and legal issues involved in this litigation, the risks attending further prosecution, and the substantial benefits to be received pursuant to the compromise and settlement of the litigation, I have concluded that settlement on the terms set forth in the PAGA Settlement Agreement ("Settlement Agreement") is appropriate and in the best interests of Plaintiff and the Aggrieved Employees.

6. 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, Law Journal. Upon graduation, I

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

4 7. My primary practice is employment law. I have handled a number of wage and
5 hour matters including class actions and individual actions, on both plaintiff and defense sides. I
6 have a practice that encompasses cases throughout the State of California, including but not
7 limited to the Los Angeles Superior Courts, the Orange County Superior Courts, the San
8 Francisco County Superior Courts, the San Diego County Superior Courts, and the United States
9 District Courts for the Central, Eastern, Northern, and Southern Districts of California. I have
10 been named as Class Counsel in a number of class actions that have been granted final approval
11 by the Superior Courts of Los Angeles County, Orange County, San Francisco County, Alameda
12 County, Contra Costa County, Monterey County, San Bernardino County, Santa Clara County,
13 Sonoma County, and the United States District Court for the Central, Eastern, and Northern
14 Districts of California, including but not limited to the following class actions: *Chan Lanier v.*
15 *Citigroup, Inc. et al.*, San Francisco Superior Court Case No. CGC-05-445143; *Naqvi v. Acoustic*
16 *Home Loans et al.*, Orange County Superior Court Case No. 05CC00263; *Ortega v. AIG*, Central
17 District of California Case No. CV 06-0196-RSWL (PJWx); *Universal Protection Overtime*
18 *Cases*, Orange County Superior Court, Judicial Council Coordination Proceeding No. 4480; *Tse*
19 *v. Best Buy*, Los Angeles Superior Court Case No. BC392717; *Hernandez v. CVS Corp. et al.*,
20 Judicial Council Coordination Proceeding No. 4539; *Padilla v. Safeway*, San Benito County
21 Superior Court Case No. CU-16-00182; *Valles v. Community Hospital of the Monterey*
22 *Peninsula*, Monterey County Superior Court Case No. 17CV003452; *DirecTv Wage and Hour*
23 *Cases*, Santa Clara Superior Court Judicial Council Coordination Proceeding No. 4850; *Perez v.*
24 *Standard Drywall, Inc.*, Alameda County Superior Court Case No. RG15761142; and *Davis v.*
25 *Nugget Market, Inc.*, Yolo County Superior Court Case No. CV-18-558.

26 8. To date, my firm has incurred costs in the amount of approximately \$5,000.99.
27 These costs were directly incurred in the prosecution of this action, including, but not limited to,
28 filing fees, service fees, and mediation fees. Attached hereto as **Exhibit A** is a true and correct

1 copy of my cost report.

2 9. To date, I have incurred approximately 78.3 hours in connection with the
3 litigation of this lawsuit. Attached hereto as **Exhibit B** is a summary of the hours I have incurred
4 to date.

5 10. The total lodestar for my hours will be approximately \$62,640.00 based on an
6 hourly rate of \$800.00 per hour. Since at least 2020, I have been approved at an hourly rate of
7 \$750.00 per hour by various Courts. Examples of these Courts include the following cases:
8 *Hernandez v. Wells Fargo Bank*, Santa Clara County Superior Court Case No. 16CV299319,
9 *Carrillo v. New Balance Athletics, Inc.*, Santa Clara County Superior Court Case No.
10 19CV352469; *Ramirez v. Walgreen Co.*, United States District Court, Northern District of
11 California Case No. 18-cv-03921-EJD, *Chavez v. Converse, Inc.*, United States District Court,
12 Northern District of California Case No. 15-cv-03746-NC; *Foster v. Schindler Elevator*
13 *Corporation*, Alameda County Superior Court Case No. RG19029640; *Foaad Hanna v. Equinix,*
14 *LLC*, Santa Clara County Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*,
15 Los Angeles County Superior Court Case No. BC720144; *Mary Della Maggiora v. Watsonville*
16 *Community Hospital*, Santa Cruz County Superior Court Case No. 18CV00191; *Pittman v.*
17 *Martinez Steel Corporation*, San Bernardino County Superior Court Case No. CIVDS1823132;
18 *Michael Randolph v. Pacific Racing Association*, Alameda County Superior Court Case No.
19 RG18908139; *Markham v. Quik Stop Markets, Inc.*, Santa Clara County Superior Court Case
20 No.19CV341582; *Siron v. Raypak, Inc.*, Ventura County Superior Court Case No. 56-2019-
21 005279959-CU-OE-VTA; *Carter v. Kline Services, Inc.*, San Bernardino County Superior Court
22 Case No. CIVDS1828867, and *Prexxie Pascual and Arturo Fonseca v. Satellite Healthcare, Inc.*,
23 Santa Clara County Superior Court Case No. 19CV345211. I was approved at an hourly rate of
24 \$800.00 per hour in *Martinez and Acosta v. City of Hope National Medical Center, et al.*, San
25 Bernardino County Superior Court Case No. CIVDS2015729, *Jaime Moen v. Genentech, Inc.*,
26 San Diego County Superior Court Case No. 37-2021-00008619-CU-OE-CTL, *Murray v. Granite*
27 *Wellness Centers et al.*, Nevada County Superior Court Case No. CU20-084680, and *Smith, et al.*
28 *v. Clean Harbors Environmental Services, Inc.*, Sacramento County Superior Court Case No. 34-

1 2021-00292526.

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

4 Executed on this 1st day of August 2023, at Los Angeles, California.

5 
6 _____
Larry W. Lee

EXHIBIT A

8/1/2023
9:35 AM

DIVERSITY LAW GROUP
Slip Listing

Page 1

Selection Criteria

Slip Classification Open
Client (hand select) Include: Brown-Baxter, Benjam v. Tutor
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		
67566	EXP	Linda Lee	1	75.00	75.00
6/10/2021		Court fees			
WIP		Brown-Baxter, Benjam v. Tut			
LWDA					
67887	EXP	Olympia	1	13.92	13.92
6/30/2021		Postage			
WIP		Brown-Baxter, Benjam v. Tut			
Postage					
68443	EXP	Erika Mejia	1	460.12	460.12
8/13/2021		Court fees			
WIP		Brown-Baxter, Benjam v. Tut			
ACE E Filing - Complaint					
68906	EXP	Olympia	1	99.13	99.13
8/25/2021		Atty Service			
WIP		Brown-Baxter, Benjam v. Tut			
Attorney Service - Complaint Service					
68907	EXP	Olympia	1	51.25	51.25
8/25/2021		Atty Service			
WIP		Brown-Baxter, Benjam v. Tut			
Attorney Service - Complaint Service					
68700	EXP	Olympia	1	12.07	12.07
9/7/2021		Court fees			
WIP		Brown-Baxter, Benjam v. Tut			
ACE E Filing - Notice of CMC and OSC					
68747	EXP	Erika Mejia	1	12.07	12.07
9/9/2021		Court fees			
WIP		Brown-Baxter, Benjam v. Tut			
ACE E Filing - POS of Summons					
69238	EXP	Olympia	14	0.25	3.50
9/30/2021		Photocopies			
WIP		Brown-Baxter, Benjam v. Tut			
Photocopies					

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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		
69239	EXP	Olympia	1	1.06	1.06
9/30/2021		Postage			
WIP		Brown-Baxter, Benjam v. Tut			
Postage					
69321	EXP	Olympia	1	12.07	12.07
10/14/2021		Court fees			
WIP		Brown-Baxter, Benjam v. Tut			
ACE E Filing - Notice of Cont of OSC					
69428	EXP	Christine S. Lee	1	12.07	12.07
10/18/2021		Court fees			
WIP		Brown-Baxter, Benjam v. Tut			
ACE E Filing - FAC					
69626	EXP	Olympia	24	0.25	6.00
10/31/2021		Photocopies			
WIP		Brown-Baxter, Benjam v. Tut			
Photocopies					
69627	EXP	Olympia	1	3.18	3.18
10/31/2021		Postage			
WIP		Brown-Baxter, Benjam v. Tut			
Postage					
69799	EXP	Olympia	1	12.07	12.07
11/23/2021		Court fees			
WIP		Brown-Baxter, Benjam v. Tut			
ACE E Filing - CMS					
70007	EXP	Olympia	30	0.25	7.50
11/30/2021		Photocopies			
WIP		Brown-Baxter, Benjam v. Tut			
Photocopies					
70008	EXP	Olympia	1	4.65	4.65
11/30/2021		Postage			
WIP		Brown-Baxter, Benjam v. Tut			
Postage					
69915	EXP	Linda Lee	1	32.67	32.67
12/6/2021		Court fees			
WIP		Brown-Baxter, Benjam v. Tut			
ACE E Filing - Stip re Leave to File SAC					
70112	EXP	Linda Lee	1	12.07	12.07
12/14/2021		Court fees			
WIP		Brown-Baxter, Benjam v. Tut			
ACE E Filing - 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		
70343	EXP	Olympia	24	0.25	6.00
12/31/2021		Photocopies			
WIP		Brown-Baxter, Benjam v. Tut			
Photocopies					
70344	EXP	Olympia	1	3.52	3.52
12/31/2021		Postage			
WIP		Brown-Baxter, Benjam v. Tut			
Postage					
70334	EXP	Olympia	1	14.02	14.02
1/12/2022		Court fees			
WIP		Brown-Baxter, Benjam v. Tut			
ACE E Filing - CMS					
70817	EXP	Olympia	6	0.25	1.50
1/31/2022		Photocopies			
WIP		Brown-Baxter, Benjam v. Tut			
Photocopies					
70818	EXP	Olympia	1	0.53	0.53
1/31/2022		Postage			
WIP		Brown-Baxter, Benjam v. Tut			
Postage					
70767	EXP	Valeria Tril	1	14.02	14.02
2/17/2022		Court fees			
WIP		Brown-Baxter, Benjam v. Tut			
ACE E Filing - CMS					
71582	EXP	Olympia	1	32.82	32.82
2/18/2022		Delivery serv			
WIP		Brown-Baxter, Benjam v. Tut			
Federal Express					
70786	EXP	Olympia	1	14.02	14.02
2/18/2022		Court fees			
WIP		Brown-Baxter, Benjam v. Tut			
ACE E Filing - Oppo to Demurrer/MTS					
71122	EXP	Olympia	1	0.73	0.73
2/28/2022		Postage			
WIP		Brown-Baxter, Benjam v. Tut			
Postage					
71121	EXP	Olympia	30	0.25	7.50
2/28/2022		Photocopies			
WIP		Brown-Baxter, Benjam v. Tut			
Photocopies					

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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		
72255	EXP	Olympia	1	14.02	14.02
6/24/2022		Court fees			
WIP		Brown-Baxter, Benjam v. Tut			
ACE E Filing - IDC Statement					
72353	EXP	Erika Mejia	1	34.62	34.62
7/7/2022		Court fees			
WIP		Brown-Baxter, Benjam v. Tut			
ACE E Filing - Stip re IDC					
73005	EXP	Olympia	1	14.02	14.02
9/15/2022		Court fees			
WIP		Brown-Baxter, Benjam v. Tut			
ACE E Filing - Notice of Minute Order					
73415	EXP	Max Gavron	1	2.00	2.00
10/25/2022		Online researc			
WIP		Brown-Baxter, Benjam v. Tut			
ONline Doc					
73426	EXP	Erika Mejia	1	14.02	14.02
10/26/2022		Court fees			
WIP		Brown-Baxter, Benjam v. Tut			
ACE E Filing - Oppo to MTC Arb					
73531	EXP	Olympia	1	14.02	14.02
11/8/2022		Court fees			
WIP		Brown-Baxter, Benjam v. Tut			
ACE E Filing - Notice of Ruling					
73539	EXP	Erika Mejia	1	34.62	34.62
11/10/2022		Court fees			
WIP		Brown-Baxter, Benjam v. Tut			
ACE E Filing - Protective Order					
73593	EXP	Erika Mejia	1	14.02	14.02
11/16/2022		Court fees			
WIP		Brown-Baxter, Benjam v. Tut			
ACE E Filing - NOE Protective Order					
73738	EXP	Olympia	4	61.65	246.60
12/7/2022		Court fees			
WIP		Brown-Baxter, Benjam v. Tut			
MTC Hearing Reservation (4 hearings)					
74048	EXP	Olympia	1	15.02	15.02
1/10/2023		Court fees			
WIP		Brown-Baxter, Benjam v. Tut			
ACE E Filing - Notice of Reassignment					

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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		
74291	EXP	Olympia	4	15.02	60.08
1/31/2023		Court fees			
WIP		Brown-Baxter, Benjam v. Tut			
ACE E Filing - MTC					
74483	EXP	Erika Mejia	1	35.62	35.62
2/17/2023		Court fees			
WIP		Brown-Baxter, Benjam v. Tut			
ACE E Filing - Stip to Cont Trial					
74751	EXP	Olympia	1	3250.00	3250.00
3/27/2023		Arbitrators			
WIP		Brown-Baxter, Benjam v. Tut			
Fenton & Keller Mediation					
74791	EXP	Olympia	1	0.60	0.60
3/31/2023		Postage			
WIP		Brown-Baxter, Benjam v. Tut			
Postage					
75184	EXP	Olympia	1	61.65	61.65
5/19/2023		Court fees			
WIP		Brown-Baxter, Benjam v. Tut			
Motion for PAGA Approval Reservation					
75312	EXP	Olympia	1	15.02	15.02
5/26/2023		Court fees			
WIP		Brown-Baxter, Benjam v. Tut			
ACE E Filing - Notice of Settlement					
75785	EXP	Max Gavron	1	250.00	250.00
8/1/2023		Court fees			
WIP		Brown-Baxter, Benjam v. Tut			
Approval Motion Filing					
Grand Total					
			Billable	0.00	5000.99
			Unbillable	0.00	0.00
			Total	0.00	5000.99

EXHIBIT B

Brown-Baxter v. Tutor Perini Corp., et al.
Larry W. Lee Time and Task Chart

Hours	Description of Work
7.6	Review client documents; research background of Defendants; research potential causes of action and viability of same
4.3	Review and revise complaint and PAGA letter
11.1	Review Defendants' motion to strike/demurrer; review and revise opposition to same; review reply re same; legal research re same
8.6	Review Defendants' motion to compel arbitration; review and revise opposition to same; review reply re same; legal research re same
6.4	Review and revise first set of written discovery to Defendant; review Defendant's responses to same; meet and confer re same; review documents produced by Defendant
7.3	Review and revise motions to compel discovery; legal research re same
3.8	Review and revise additional sets of written discovery; review responses to same
4.8	Discussions with counsel re mediation and necessary class payroll data
1.7	Review payroll data produced by Defendant; review and revise class damages re same
5.1	Review and revise mediation brief; legal research re same
8.5	Attend mediation
5.8	Review and revise long form settlement documents
3.3	Review and revise Motion for Approval and supporting documents
78.3	TOTAL HOURS