

Larry W. Lee (State Bar No. 228175)
Kwanporn “Mai” Tulyathan (State Bar No. 316704)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa St., Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile

William L. Marder (State Bar No. 170131)
Polaris Law Group
501 San Benito Street, Suite 200
Hollister, CA 95023
(831) 531-4214
(831) 634-0333 facsimile

Attorneys for Plaintiff, the Class, and Aggrieved Employees

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF MONTEREY

SHARON MORRIS, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

COMMUNITY HOSPITAL OF THE
MONTEREY PENINSULA, a California
nonprofit corporation; and DOES 1
through 50, inclusive,

Defendants.

Case No.: 21CV001953

(Assigned to the Honorable Thomas W. Wills,
Dept. 15)

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

Date: September 9, 2022

Time: 8:30 a.m.

Dept.: 15

Complaint Filed: June 16, 2021

FAC Filed: August 6, 2021

SAC Filed: January 24, 2022

Trial Date: None Set

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

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 Named Plaintiff Sharon Morris (“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 (“Stipulation” or “Settlement Agreement”) was the product of negotiations between highly able and experienced attorneys on both sides who possessed the relevant data and extensive legal research which they had carefully analyzed. The Parties engaged in arm’s length negotiations at mediation with an experienced neutral, Mike Masuda, Esq.

4. Class Counsel engaged in extensive factual investigation before settling, including the exchange of informal discovery. In connection with mediation, Class Counsel reviewed class data, including data pertaining to the number of class members and aggrieved employees, number of pay periods at issue, sample payroll and timekeeping data for the putative class, and Defendant's various policy documents regarding payment of sick pay/paid time off and meal and rest period premiums.

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. The Court preliminary approved this settlement on May 13, 2022, directing distribution of Notice of Class Action Settlement (“Notice Packet”) and scheduling the hearing for final approval of the settlement (the “Preliminary Approval Order”). As directed by the

1 Court, the Settlement Administrator selected by the Parties – Phoenix Settlement Administrators
2 – distributed the Notice Packet to 3,074 Class Members. Class Counsel believes that the positive
3 results after mailing of the Notice Packet support confirmation of the Court’s preliminary
4 approval of the settlement with final approval of the settlement. The settlement has a
5 significantly high participation rate of 99.38%. In light of this positive response from Class
6 Members, an inference can be made that the Class supports the Court’s Preliminary Approval
7 Order finding that the Settlement Agreement is fair and reasonable.

8 7. There were no objections or disputes to the amount of attorneys’ fees or litigation
9 costs that Class Counsel seeks in this case and for which Plaintiff asks the Court for final
10 approval.

11 8. Timely notice of the PAGA settlement was provided to the California Labor and
12 Workforce Development Agency (“LWDA”) pursuant to Cal. Lab. Code section 2699(1)(2) and
13 no objections or disputes to the Settlement by the LWDA were received by Plaintiff’s Counsel.

14 9. Any remaining monies from uncashed settlement checks will be distributed to the
15 *cy pres* recipient Watsonville Law Center, a non-profit organization that provides free legal
16 services and referral information to low-income individuals, in accordance with C.C.P. § 384. I
17 do not have any relationship with or connection to said organization.

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

20 11. My attorney hours and costs are set forth in this section and deal with the time and
21 costs involved in this action.

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

24 13. To date, I have incurred approximately 95.6 hours in connection with the
25 litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have incurred
26 to date.

27 14. I also anticipate spending an additional 20 hours conferring and reviewing e-
28 mails and other written communications with counsel for Defendant, the Settlement

1 Administrator, and Class Members regarding post final approval matters, including payments
2 and related issues.

3 15. The total lodestar for my hours will be approximately \$86,700.00 based on an
4 hourly rate of \$750.00 per hour ((95.6 hours + 20 anticipated hours) x \$750). Since at least 2018,
5 I have been approved at an hourly rate of \$700.00 per hour by various Courts, in a number of
6 matters, including *Stafford v. Brinks et al.*, Los Angeles County Superior Court Case No.
7 BC532260; *Chavez v. Kenneth Cole Productions, Inc.*, Santa Clara Superior Court Case No.
8 17CV306407; *Chavez v. Adidas*, U.S. District Court for the Northern District of California Case
9 No. 5:16-cv-06533-LHK; *Mankin v. Taste Catering*, San Mateo Superior Court Case No. 17-
10 CIV-03497; *Ricardo Macias v. SASCO*, Santa Clara County Superior Court Case No.
11 16CV304263; *Valles v. Community Hospital of the Monterey Peninsula*, Monterey Superior
12 Court Case No. 17CV003452; *Diaz v. WeDriveU*, Santa Clara Superior Court Case No.
13 17CV306547; *Sanchez v. American Para Professional Systems, Inc.*, Santa Clara County
14 Superior Court Case No. 17CV306751; *Hernandez v Pei Wei*, United States District Court,
15 Central District of California Case No. 8:17-cv-00679-JLS-JCG; *Song v. THC-Orange County,*
16 *Inc.*, U.S. District Court for the Central District of California Case No. 8:17-cv00965-JLS-
17 DFMx; *Perez v. Standard Drywall, Inc.*, Alameda County Superior Court Case No.
18 RG15761142; *Huertas v. Chevron Stations*, Santa Clara Superior Court Case No. 17CV309996;
19 and *In re DirecTv Wage and Hour Cases*, JCCP Case No. 4850. As of 2020, I increased my
20 hourly rate to \$750.00 per hour. I have been approved at \$750.00 per hour by various courts,
21 including: *Hernandez v. Wells Fargo Bank*, Santa Clara County Superior Court Case No.
22 16CV299319, *Carrillo v. New Balance Athletics, Inc.*, Santa Clara County Superior Court Case
23 No. 19CV352469; *Ramirez v. Walgreen Co.*, United States District Court, Northern District of
24 California Case No. 18-cv-03921-EJD, *Chavez v. Converse, Inc.*, United States District Court,
25 Northern District of California Case No. 15-cv-03746-NC; *Foster v. Schindler Elevator*
26 *Corporation*, Alameda County Superior Court Case No. RG19029640; *Foaad Hanna v. Equinix,*
27 *LLC*, Santa Clara County Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*,
28 Los Angeles County Superior Court Case No. BC720144; *Mary Della Maggiora v. Watsonville*

1 *Community Hospital*, Santa Cruz County Superior Court Case No. 18CV00191; *Pittman v.*
2 *Martinez Steel Corporation*, San Bernardino County Superior Court Case No. CIVDS1823132;
3 *Michael Randolph v. Pacific Racing Association*, Alameda County Superior Court Case No.
4 RG18908139; *Markham v. Quik Stop Markets, Inc.*, Santa Clara Superior Court Case
5 No.19CV341582; *Siron v. Raypak, Inc.*, Ventura Superior Court Case No. 56-2019-005279959-
6 CU-OE-VTA; *Carter v. Kline Services, Inc.*, San Bernardino Superior Court Case No.
7 CIVDS1828867, and *Prexxie Pascual and Arturo Fonseca v. Satellite Healthcare, Inc.*, Santa
8 Clara Superior Court Case No. 19CV345211.

9 16. My qualifications are as follows: I received my JD from Arizona State University
10 College of Law in 2003. During law school, I was a summer associate at the law firm of
11 Brobeck, Phleger & Harrison. I graduated cum laude from Arizona State University College of
12 Law in the top 10% of my class. While I was in law school, I was the Associate Managing Editor
13 of the Arizona State University College of Law, Law Journal. For more than one and one-half
14 years after graduating from law school, I practiced law as an associate at the Los Angeles County
15 offices of Ogletree Deakins Nash Smoak & Stewart, P.C., a national employment defense law
16 firm, representing Fortune 500 companies in employment matters, including wage and hour class
17 actions.

18 17. My primary practice is employment law. I have handled a number of wage and
19 hour matters including class actions and individual actions, on both plaintiff and defense sides. I
20 have a practice that encompasses cases throughout the State of California, including but not
21 limited to the Los Angeles Superior Courts, the Orange County Superior Courts, the San
22 Francisco County Superior Courts, the San Diego County Superior Courts, and the United States
23 District Courts for the Central, Eastern, Northern, and Southern Districts of California. I have
24 been named as Class Counsel in a number of class actions that have been granted final approval
25 by the Superior Courts of Los Angeles County, Orange County, San Francisco County, Alameda
26 County, Contra Costa County, Monterey County, San Bernardino County, Santa Clara County,
27 Sonoma County, and the United States District Court for the Central, Eastern, and Northern
28 Districts of California, including but not limited to the following class actions: *Chan Lanier v.*

1 *Citigroup, Inc., et al.*, San Francisco Superior Court Case No. CGC-05-445143; *Naqvi v.*
2 *Acoustic Home Loans, et al.*, Orange County Superior Court Case No. 05CC00263; *Ortega v.*
3 *AIG*, Central District of California Case No. CV 06-0196-RSWL (PJWx); *Universal Protection*
4 *Overtime Cases*, Orange County Superior Court Case No. JCCP 4480; *Tse v. Best Buy*, Los
5 Angeles Superior Court Case No. BC392717; and *Hernandez v. CVS Corporation*, Los Angeles
6 Superior Court Case No. JCCP 4539.

7 18. My office has incurred costs in the amount of \$3,209.95. The costs are all
8 litigation related costs, including filing and service fees, court fees, CourtCall fees, postage fees,
9 costs associated with mediation, and expert fees. Attached hereto as **Exhibit B** is copy of the
10 costs incurred in connection with prosecution of this lawsuit.

11 19. On May 16, 2022, Plaintiff uploaded the Order Granting Motion for Preliminary
12 Approval of Class Action Settlement to the LWDA's website. Attached hereto as **Exhibit C** is a
13 copy of the LWDA confirmation of the uploaded Order Granting Motion for Preliminary
14 Approval of Class Action Settlement.

15 20. Concurrent with the filing of this Motion, Plaintiff uploaded this motion and
16 proposed order to the LWDA's website

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

19 Executed on this 15th day of August 2022, at Los Angeles, California.

20
21 
22 _____
23 Larry W. Lee
24
25
26
27
28

EXHIBIT A

Morris v CHOMP
Larry W. Lee Time and Task Chart

Hours	Description of Work
5.2	Review client documents and background information; confer with co-counsel re claims to be filed
1.6	Draft original and supplemental PAGA letters
8.9	Review and revise complaint, FAC and SAC; review and revise stipulations to file same
6.6	Review and revise first set of written discovery to Defendant
12.4	Confer with counsel re mediation and data needed for mediation; review class member data for mediation
13.8	Review and revise mediation brief; attend same
18.4	Review post-mediation pay roll data for class members; calculate potential damages
6.7	Post-mediation settlement discussions with counsel; review and revise MOU
5.2	Review and revise long form settlement agreement; confer with counsel re changes to same
4.3	Review and revise Motion for Preliminary Approval and supporting documents
4.4	Confer with class members re settlement issues
8.1	Draft, review and revise Motion for Final Approval and supporting documents
95.6	TOTAL HOURS

EXHIBIT B

8/10/2022
2:16 PM

DIVERSITY LAW GROUP
Slip Listing

Page 1

Selection Criteria

Slip.Classification Open
Client (hand select) Include: Morris, Sharon v. Community
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		
67447	EXP	Linda Lee	1	75.00	75.00
6/4/2021		Court fees			
WIP		Morris, Sharon v. Community			
LWDA					
67596	EXP	Erika Mejia	1	1478.06	1478.06
6/16/2021		Court fees			
WIP		Morris, Sharon v. Community			
Odyssey - Complaint					
67906	EXP	Olympia	1	6.96	6.96
6/30/2021		Postage			
WIP		Morris, Sharon v. Community			
Postage					
68144	EXP	Erika Mejia	1	3.60	3.60
7/13/2021		Court fees			
WIP		Morris, Sharon v. Community			
Odyssey - POS of Summons					
68145	EXP	Erika Mejia	1	3.60	3.60
7/13/2021		Court fees			
WIP		Morris, Sharon v. Community			
Odyssey - N&A					
68147	EXP	Erika Mejia	1	3.60	3.60
7/13/2021		Court fees			
WIP		Morris, Sharon v. Community			
Odyssey - POS of Summons					
68301	EXP	Erika Mejia	1	3.60	3.60
8/6/2021		Court fees			
WIP		Morris, Sharon v. Community			
Odyssey - FAC					
70023	EXP	Olympia	1	7.33	7.33
11/30/2021		Postage			
WIP		Morris, Sharon v. Community			
Postage					

8/10/2022
2:16 PM

DIVERSITY LAW GROUP
Slip Listing

Page 2

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
70022 EXP 11/30/2021 WIP Photocopies	Olympia Photocopies Morris, Sharon v. Community	1	0.25	0.25
70102 EXP 12/13/2021 WIP Odyssey - Joint CMS	Olympia Court fees Morris, Sharon v. Community	1	3.60	3.60
70257 EXP 1/5/2022 WIP Noland, Hamerly, Etienne & Hoss Mediation	Olympia Arbitrators Morris, Sharon v. Community	1	1000.00	1000.00
70269 EXP 1/6/2022 WIP Odyssey - Joint Stip re SAC	Christine Choo Court fees Morris, Sharon v. Community	1	24.15	24.15
70484 EXP 1/24/2022 WIP Odyssey - SAC	Christine Choo Court fees Morris, Sharon v. Community	1	3.60	3.60
70654 EXP 2/9/2022 WIP Odyssey - Joint Stip	Olympia Court fees Morris, Sharon v. Community	1	24.15	24.15
70782 EXP 2/22/2022 WIP Odyssey - NOE	Olympia Court fees Morris, Sharon v. Community	1	3.60	3.60
71552 EXP 4/21/2022 WIP Odyssey - MPA	Erika Mejia Court fees Morris, Sharon v. Community	1	65.25	65.25
71744 EXP 5/10/2022 WIP Odyssey - Notice of Remote Appearance	Valeria Tril Court fees Morris, Sharon v. Community	1	3.60	3.60
72635 EXP 8/8/2022 WIP Filing and Courtcall	Olympia Court fees Morris, Sharon v. Community	1	500.00	500.00

8/10/2022
2:16 PM

DIVERSITY LAW GROUP
Slip Listing

Page 3

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		3209.95
	Unbillable	0.00		0.00
	Total	0.00		3209.95

EXHIBIT C

Erika Mejia

From: DIR PAGA Unit <lwdadonotreply@dir.ca.gov>
Sent: Monday, May 16, 2022 1:58 PM
To: Erika Mejia
Subject: Thank you for your Court Order or Judgment Submission

05/16/2022 01:56:48 PM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Court Order or Judgment

If you have questions or concerns regarding this submission or your case, please send an email to pagainfo@dir.ca.gov.

DIR PAGA Unit on behalf of
Labor and Workforce Development Agency

Website: http://labor.ca.gov/Private_Attorneys_General_Act.htm