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Attorneys for Plaintiff and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

NICOLAS SERAFICA, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

HGST, INC., a Delaware corporation; and
DOES 1 through 50, inclusive,

Defendants.

Case No.: 21CV386574

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

Date: January 12, 2023

Time: 1:30 P.M.

Dept.: 1

Complaint Filed: September 9, 2021

FAC Filed: October 14, 2021

Trial Date: None Set

1 I, Max W. Gavron, declare as follows:

2 1. I am an attorney at law, duly licensed to practice before all Courts in the State of
3 California, and am with the law firm Diversity Law Group, counsel of record for Named
4 Plaintiff Nicolas Serafica ("Plaintiff"). I have personal knowledge of the facts set forth below
5 and if called to testify I could and would do so competently.

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

8 3. The Settlement Agreement was the product of negotiation between highly able
9 and experienced attorneys on both sides who possessed the relevant data and extensive legal
10 research which they had carefully analyzed. Class Counsel engaged in extensive factual
11 investigation before settling, including reviewing class data produced by Defendant. This
12 allowed Plaintiff to conduct a full damage analysis.

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

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

19 6. To date, I have incurred approximately 23.7 hours in connection with the
20 litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have
21 incurred to date. The total lodestar for my time is approximately \$14,220.00 (23.7 hours x
22 \$600).

23 7. I have been approved at \$600.00 per hour in *Weybrew v. BEI Construction*,
24 Solano County Superior Court Case No. FCS055658 (January 14, 2022), *In re See's Candies*
25 *Wage and Hour Cases*, Case No. JCCP5004 (March 30, 2022), Los Angeles Superior Court,
26 *Pevey v. Lumber City Corp*, San Bernardino County Superior Court Case No. CIVDS2010240
27 (May 2, 2022), *Ross v Stater Bros. Markets*, San Bernardino County Superior Court Case No.
28 CIVDS1902518 (September 8, 2022), and *Schneider v. Amazon Retail LLC*, Los Angeles

1 County Superior Court Case No. 21STCV26226 (December 1, 2022). Prior to that throughout
2 2020 and 2021, I was approved at an hourly rate of at \$550.00 per hour in *James v RADC*
3 *Enterprises, Inc.*, San Bernardino County Superior Court, Case No. CIV-DS1933035
4 (September 29, 2020), *Hector Luna v. Triple Canopy, Inc.*, Santa Clara County Superior
5 Court, Case No. 19CV345169 (October 22, 2020), *Melbert Magpugay v. Harbor Electronics,*
6 *Inc.*, Santa Clara County Superior Court Case No. 19CV352547 (January 27, 2021), *Foster v.*
7 *Schindler Elevator Corp.*, Alameda County Superior Court Case no. RG19029640 (March 2,
8 2021), *Martin v. Streetplus Company, LLC, et al*, Los Angeles Superior Court Case No.
9 19STCV15522 (July 13, 2021), *Morris v. Blue Mountain Enterprises, LLC*, Solano County
10 Superior Court, Case No. FCS05.858 (August 4, 2021).

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

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

24 10. From February 2016, through Fall 2017, I practiced at the international law firm
25 of Arnold & Porter, which had recently merged with Kaye Scholer, LLP. I defended Fortune
26 50 companies in Multi-District Litigation primarily in the product liability sphere. I also
27 successfully drafted an appellate brief in the Ninth Circuit resulting in the reversal of a
28 summary judgment decision regarding trade secret issues, which resulted in a published

1 opinion. See *Experian Information Solutions, Inc. v. Nationwide Marketing Services*
2 *Incorporated*, 893 F.3d 1176 (9th Cir. 2018). I also worked in several other practice groups.
3 While working at Arnold & Porter, the firm routinely billed for my services at rates ranging
4 from \$375 to \$550 per hour.

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

9 12. I am currently an associate at the law firm Diversity Law Group, P.C., an
10 employment law firm that has handled numerous wage and hour class and individual actions,
11 on both plaintiff and defense sides. My current practice focuses on employment matters
12 involving both class actions, and single plaintiffs. The firm currently has cases in the Los
13 Angeles Superior Courts, the Orange County Superior Courts, the San Diego County Superior
14 Courts, and the United States District Courts for the Central, Northern, and Eastern Districts of
15 California. I am currently handling or have handled numerous wage and hour class action
16 lawsuits with the firm, including, but not limited to: *Agar v. Sensient Natural Ingredients, LLC*
17 (Case No. CV-19-001906, Stanislaus County Superior Court); *Cunningham, et al. v. Diverse*
18 *Business Solutions* (Case No. CIVDS1817095, San Bernardino County Superior Court);
19 *Heredia v. Eddie Bauer LLC* (Case No. 16CV300475, United States District Court, Northern
20 District of California); *Parsons v. Estenson Logistics, LLC* (Case No. 34-2019-00252929,
21 Sacramento County Superior Court); *Wood v. Reeve Trucking Co., Inc.* (Case No. STK-CV-
22 UOE-2018-0004414, San Joaquin County Superior Court); and *Coronel v. Pinnacle*
23 *Agriculture* (Case No. 18CV004287, Monterey County Superior Court).

24 13. I have been certified as class counsel in a number of cases, including *Smith v.*
25 *Gold Country Health Center, Inc.* (Case No. PC20180491, El Dorado County Superior Court)
26 and *Pantoja v. RAMCO Enterprises, L.P.* (Case No. M126835, Monterey County Superior
27 Court). I have also assisted in numerous wage and hour class action mediations.

28 14. On June 14, 2019, I argued two related class action cases in front of the Ninth

1 Circuit Court of Appeals. One of them was *Rodriguez v Nike Retail Service Inc.*, Case No. 17-
2 16866. On June 28, 2019, the Ninth Circuit issued its order reversing the district court's grant
3 of summary judgment and remanding in favor of our clients. *Rodriguez v. Nike Retail Servs.,*
4 *Inc.*, 928 F.3d 810 (9th Cir. 2019).

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

7 16. I do not have any conflict of interest with the designated cy pres recipient, Legal
8 Aid at Work.

9 17. Concurrent with the filing of Plaintiff's Motion, my office will lodge a copy of
10 the Confidential Settlement Agreement and General Release of Claims for Nicolas Serafica for
11 in camera review by the Court.

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

14 Executed on this 19th day of December 2022, at Los Angeles, California.

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16 Max W. Gavron
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EXHIBIT A

Serafica v. HGST, Inc.
Max W. Gavron Time and Task Chart

Hours	Description of Work
3.1	Analyze and review client documents to support claims.
4.1	Confer with co-counsel regarding strategy leading into mediation; analyze and review data produced by Defendant in advance of mediation; confer with counsel re same.
1.2	Further draft and revise mediation brief; confer with co-counsel re same.
2.9	Analyze and review settlement documents; further draft and revise proposed notice and longform agreement; confer with defense and co-counsel re same.
1.5	Further draft and revise motion for preliminary approval and supporting documents; confer with co-counsel re same.
2.8	Confer with administrator and defense counsel re notice process; further revise class notice after reviewing Court's ruling on motion for preliminary approval.
8.1	Draft and revise motion for final approval and supporting documents; confer with administrator re declaration in support of motion; confer with co-counsel re same.
23.7	TOTAL HOURS