

Larry W. Lee (State Bar No. 228175)
Max W. Gavron (State Bar No. 291697)
Kwanporn "Mai" Tulyathan (State Bar No. 316704)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa Street, Suite 1250
Los Angeles, CA 90071
Telephone: (213) 488-6555
Facsimile: (213) 488-6554
lwlee@diversitylaw.com
mgavron@diversitylaw.com
ktulyathan@diversitylaw.com

B. James Fitzpatrick (SBN: 129056)
Laura L. Franklin (SBN: 282642)
FITZPATRICK & SWANSTON
555 South Main Street
Salinas, CA 93901
Telephone: (831) 755-1311
Facsimile: (831) 755-1319
bjfitzpatrick@fandslegal.com
lfranklin@fandslegal.com

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 LARRY W. LEE 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, Larry W. Lee, 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. The Notice of Settlement provided Class Members with my office's contact
7 information, where they could further seek information regarding the class settlement, leave
8 questions for the Settlement Administrator, and update their address. As part of the settlement
9 process, I have received a number of phone calls from Settlement Class Members regarding
10 this settlement, all of whom I have responded to.

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

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

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

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

24 7. To date, I have incurred approximately 68.4 hours in connection with the
25 litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have
26 incurred to date.

27 8. I also anticipate spending an additional 10 hours attending the final approval
28 motion, conferring and reviewing e-mails and other written communications with counsel for

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

3 9. The total lodestar for my hours will be approximately \$58,800.00 based on an
4 hourly rate of \$750.00 per hour. Since at least 2018, I have been approved at an hourly rate of
5 \$700.00 per hour by various Courts, in a number of matters, including *Stafford v. Brinks et al.*,
6 Los Angeles County Superior Court Case No. BC532260; *Chavez v. Kenneth Cole*
7 *Productions, Inc.*, Santa Clara Superior Court Case No. 17CV306407; *Chavez v. Adidas*, U.S.
8 District Court for the Northern District of California Case No. 5:16-cv-06533-LHK; *Mankin v.*
9 *Taste Catering*, San Mateo Superior Court Case No. 17-CIV-03497; *Ricardo Macias v.*
10 *SASCO*, Santa Clara County Superior Court Case No. 16CV304263; *Valles v. Community*
11 *Hospital of the Monterey Peninsula*, Monterey Superior Court Case No. 17CV003452; *Diaz v.*
12 *WeDriveU*, Santa Clara Superior Court Case No. 17CV306547; *Sanchez v. American Para*
13 *Professional Systems, Inc.*, Santa Clara County Superior Court Case No. 17CV306751;
14 *Hernandez v Pei Wei*, United States District Court, Central District of California Case No.
15 8:17-cv-00679-JLS-JCG; *Song v. THC-Orange County, Inc.*, U.S. District Court for the
16 Central District of California Case No. 8:17-cv00965-JLS-DFMx; *Perez v. Standard Drywall,*
17 *Inc.*, Alameda County Superior Court Case No. RG15761142; *Huertas v. Chevron Stations,*
18 Santa Clara Superior Court Case No. 17CV309996; and *In re DirecTv Wage and Hour Cases,*
19 JCCP Case No. 4850. As of 2020, I increased my hourly rate to \$750.00 per hour. I have been
20 approved at \$750.00 per hour by various courts, including: *Hernandez v. Wells Fargo Bank,*
21 Santa Clara County Superior Court Case No. 16CV299319, *Carrillo v. New Balance Athletics,*
22 *Inc.*, Santa Clara County Superior Court Case No. 19CV352469; *Ramirez v. Walgreen Co.*,
23 United States District Court, Northern District of California Case No. 18-cv-03921-EJD,
24 *Chavez v. Converse, Inc.*, United States District Court, Northern District of California Case
25 No. 15-cv-03746-NC; *Foster v. Schindler Elevator Corporation*, Alameda County Superior
26 Court Case No. RG19029640; *Foaad Hanna v. Equinix, LLC*, Santa Clara County Superior
27 Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles County Superior
28 Court Case No. BC720144; *Mary Della Maggiora v. Watsonville Community Hospital*, Santa

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

9 10. My qualifications are as follows: I received my J.D. from Arizona State
10 University College of Law in 2003. During law school, I was a summer associate at the law
11 firm of Brobeck, Phleger & Harrison. I graduated cum laude from Arizona State University
12 College of Law in the top 10% of my class. While I was in law school, I was the Associate
13 Managing Editor of the Arizona State University College of Law, Law Journal. Upon
14 graduation, I practiced law as an associate at the Los Angeles County offices of Ogletree
15 Deakins Nash Smoak & Stewart, P.C., a national employment defense law firm that represents
16 a significant number of Fortune 500 companies.

17 11. My firm's primary focus is employment law. I have handled a number of wage
18 and hour matters including class actions and individual actions, on both plaintiff and defense
19 sides. I have a practice that encompasses cases throughout the State of California, including
20 but not limited to the Los Angeles Superior Courts, the Orange County Superior Courts, the
21 San Francisco County Superior Courts, the San Diego County Superior Courts, and the United
22 States District Courts for the Central, Eastern, Northern, and Southern Districts of California.

23 12. I have been named as Class Counsel in a number of class actions that have been
24 granted final approval by the Superior Courts of Los Angeles County, Orange County, San
25 Francisco County, Alameda County, Contra Costa County, Monterey County, San Bernardino
26 County, Santa Clara County, Sonoma County, and the United States District Court for the
27 Central, Eastern, and Northern Districts of California, including but not limited to the
28 following class actions: *Chan Lanier v. Citigroup, Inc. et al.*, San Francisco Superior Court

1 Case No. CGC-05-445143; *Naqvi v. Acoustic Home Loans et al.*, Orange County Superior
2 Court Case No. 05CC00263; *Ortega v. AIG*, Central District of California Case No. CV 06-
3 0196-RSWL (PJWx); *Universal Protection Overtime Cases*, Orange County Superior Court,
4 Judicial Council Coordination Proceeding No. 4480; *Tse v. Best Buy*, Los Angeles Superior
5 Court Case No. BC392717; *Hernandez v. CVS Corp. et al.*, Judicial Council Coordination
6 Proceeding No. 4539; *Padilla v. Safeway*, San Benito County Superior Court Case No. CU-16-
7 00182; *Valles v. Community Hospital of the Monterey Peninsula*, Monterey County Superior
8 Court Case No. 17CV003452; *DirecTv Wage and Hour Cases*, Santa Clara Superior Court
9 Judicial Council Coordination Proceeding No. 4850; *Perez v. Standard Drywall, Inc.*,
10 Alameda County Superior Court Case No. RG15761142; and *Davis v. Nugget Market, Inc.*,
11 Yolo County Superior Court Case No. CV-18-558.

12 13. To date, my office has incurred \$5,091.10 in costs. The costs are all litigation-
13 related costs, including filing fees and mediation fees. Attached hereto as **Exhibit B** is a copy
14 of costs my firm has incurred in connection with the prosecution of this lawsuit.

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

17 15. The total attorneys' fees approved by the Court will be allocated between
18 Diversity Law Group and Fitzpatrick and Swanston according to a fee sharing agreement that
19 allocates 60% of the awarded fees to Diversity Law Group and 40% of the awarded fees to
20 Fitzpatrick and Swanston.

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

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

24 
25 _____
26 Larry W. Lee
27
28

EXHIBIT A

Serafica v. HGST
Larry W. Lee Time and Task Chart

Hours	Description of Work
5.8	Review client documents; research potential theories of case
6.1	Review and revise complaint and PAGA letter
.8	Review initial court notices and guidelines re class actions
1.3	Confer with counsel re CMC and case issues; review and revise joint statements
11.2	Review arbitration agreement' legal research re enforcement of same; meet and confer with counsel re same
3.1	Review and revise written discovery requests
1.1	Conferences with counsel re mediation data and scheduling
6.3	Review class data produced by Defendant; review and revise class damages re same
3.8	Review and revise mediation brief; legal research re same
9.7	Attend mediation
2.6	Review and revise MOU; confer with counsel and client re same
4.8	Review and revise long form settlement documents; conferences with opposing counsel re same
4.7	Review and revise Motion for Preliminary Approval and supporting documents
3.9	Confer with class members re settlement issues
3.2	Review and revise Motion for Final Approval and supporting documents
68.4	TOTAL HOURS

EXHIBIT B

12/15/2022
2:10 PM

DIVERSITY LAW GROUP
Slip Listing

Page 1

Selection Criteria

Slip Classification Open
Client (hand select) Include: Serafica, Nicolas v. HGST, Inc
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		
68288	EXP	Olympia	1	75.00	75.00
8/4/2021		Court fees			
WIP		Serafica, Nicolas v. HGST, In			
LWDA					
68830	EXP	Olympia	2	0.25	0.50
8/31/2021		Photocopies			
WIP		Serafica, Nicolas v. HGST, In			
Photocopies					
68831	EXP	Olympia	1	6.96	6.96
8/31/2021		Postage			
WIP		Serafica, Nicolas v. HGST, In			
Postage					
68741	EXP	Olympia	1	453.77	453.77
9/9/2021		Court fees			
WIP		Serafica, Nicolas v. HGST, In			
Odyssey - Complaint					
68742	EXP	Christine Choo	1	1035.72	1035.72
9/9/2021		Court fees			
WIP		Serafica, Nicolas v. HGST, In			
Odyssey - Notice of Posting Complex Fees					
68744	EXP	Christine Choo	1	5.72	5.72
9/9/2021		Court fees			
WIP		Serafica, Nicolas v. HGST, In			
Odyssey - 170.6					
69139	EXP	Christine Choo	1	71.74	71.74
9/9/2021		Atty Service			
WIP		Serafica, Nicolas v. HGST, In			
Attorney Service - Complaint Service					
68988	EXP	Christine Choo	1	5.72	5.72
9/21/2021		Court fees			
WIP		Serafica, Nicolas v. HGST, In			
Odyssey - POS of Summons					

12/15/2022
2:10 PM

DIVERSITY LAW GROUP
Slip Listing

Page 2

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		
69013	EXP	Christine Choo	1	5.72	5.72
9/23/2021		Court fees			
WIP		Serafica, Nicolas v. HGST, In			
Odyssey - Ntc of Reassignment					
69295	EXP	Olympia	1	0.53	0.53
9/30/2021		Postage			
WIP		Serafica, Nicolas v. HGST, In			
Postage					
69294	EXP	Olympia	4	0.25	1.00
9/30/2021		Photocopies			
WIP		Serafica, Nicolas v. HGST, In			
Photocopies					
69335	EXP	Christine Choo	1	5.72	5.72
10/14/2021		Court fees			
WIP		Serafica, Nicolas v. HGST, In			
Odyssey - FAC					
69679	EXP	Olympia	16	0.25	4.00
10/31/2021		Photocopies			
WIP		Serafica, Nicolas v. HGST, In			
Photocopies					
69680	EXP	Olympia	1	1.06	1.06
10/31/2021		Postage			
WIP		Serafica, Nicolas v. HGST, In			
Postage					
70443	EXP	Larry W. Lee	1	94.00	94.00
1/20/2022		Court fees			
WIP		Serafica, Nicolas v. HGST, In			
Courtcall					
70795	EXP	Olympia	1	5.72	5.72
2/23/2022		Court fees			
WIP		Serafica, Nicolas v. HGST, In			
Odyssey - Notice of Related Case					
72125	EXP	Olympia	1	3000.00	3000.00
6/9/2022		Arbitrators			
WIP		Serafica, Nicolas v. HGST, In			
JAMS Mediation					
72254	EXP	Olympia	1	62.50	62.50
6/24/2022		Arbitrators			
WIP		Serafica, Nicolas v. HGST, In			
JAMS Mediation					

12/15/2022
2:10 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		
72885	EXP	Erika Mejia	1	5.72	5.72
9/6/2022		Court fees			
WIP		Serafica, Nicolas v. HGST, In			
Odyssey - Joint CMS					
73876	EXP	Olympia	1	250.00	250.00
12/15/2022		Court fees			
WIP		Serafica, Nicolas v. HGST, In			
Filing/Service					
Grand Total					
			0.00		5091.10
			0.00		0.00
			0.00		5091.10