

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
(213) 488-6555
(213) 488-6554 facsimile
lwlee@diversitylaw.com
mgavron@diversitylaw.com
ktulyathan@diversitylaw.com

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
bill@polarislawgroup.com

Attorneys for Plaintiff, the Class, and Aggrieved Employees

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN MATEO**

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

Plaintiff,

vs.

DRAEGER’S SUPER MARKETS, a
California corporation; and DOES 1
through 50, inclusive,

Defendants.

Case No.: 21-CIV-05746

[Assigned for all purposes to the Honorable Susan
L. Greenberg, Department 3]

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

Date: April 11, 2024

Time: 9:00 A.M.

Dept.: 3

Complaint Filed: October 25, 2021

FAC Filed: December 7, 2021

Trial Date: Not Set

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

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 Montoya (“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 Settlement Agreement was the product of negotiation between highly able and experienced attorneys on both sides who possessed the relevant data and extensive legal research which they had carefully analyzed. Class Counsel engaged in extensive factual investigation before settling. Specifically, Class Counsel reviewed data pertaining to the class, number of pay periods at issue, hourly rates of pay, data and analysis pertaining to amount of meal and rest period premium underpayments owed to class members, sample wage statements, and information regarding Defendant's relevant policies and practices. The exchange of informal discovery allowed Class Counsel to analyze liability and exposure.

3. The Parties then engaged in arm's length negotiations at mediation with a highly experienced mediator, Daniel J. Turner, Esq., and continued negotiations post-mediation that were facilitated by Mr. Turner. The Parties reached the settlement after accepting a mediator's proposal.

4. 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.

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

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

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

5 7. My firm's primary focus is employment law. I have handled a number of wage
6 and hour matters including class actions and multiple-plaintiff actions. I have a practice that
7 encompasses cases in the Los Angeles Superior Courts, the Orange County Superior Courts, the
8 San Francisco County Superior Courts, the San Diego County Superior Courts, and the United
9 States District Courts for the Central, Eastern, Northern, and Southern Districts of California.

10 8. 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 the United States District Court for the
14 Central, Eastern, and Northern Districts of California, including but not limited to the following
15 class actions: *Chan Lanier v. Citigroup, Inc. et al.*, San Francisco Superior Court Case No. CGC-
16 05-445143; *Naqvi v. Acoustic Home Loans et al.*, Orange County Superior Court Case No.
17 05CC00263; *Ortega v. AIG*, Central District of California Case No. CV 06-0196-RSWL (PJWx);
18 *Universal Protection Overtime Cases*, Orange County Superior Court, Judicial Council
19 Coordination Proceeding No. 4480; *Tse v. Best Buy*, Los Angeles Superior Court Case No.
20 BC392717; *Hernandez v. CVS Corp. et al.*, Judicial Council Coordination Proceeding No. 4539;
21 *Padilla v. Safeway*, San Benito County Superior Court Case No. CU-16-00182; *Valles v.*
22 *Community Hospital of the Monterey Peninsula*, Monterey County Superior Court Case No.
23 17CV003452; *DirecTv Wage and Hour Cases*, Santa Clara Superior Court Judicial Council
24 Coordination Proceeding No. 4850; *Perez v. Standard Drywall, Inc.*, Alameda County Superior
25 Court Case No. RG15761142; and *Davis v. Nugget Market, Inc.*, Yolo County Superior Court
26 Case No. CV-18-558.

27 9. To date, I have incurred approximately 56.7 hours in connection with the
28 litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have

1 incurred to date.

2 10. I was approved at an hourly rate of \$800.00 per hour in *Martinez and Acosta v.*
3 *City of Hope National Medical Center, et al.*, San Bernardino County Superior Court Case No.
4 CIVDS2015729; *Jaime Moen v. Genentech, Inc.*, San Diego County Superior Court Case No.
5 37-2021-00008619-CU-OE-CTL; *Murray v. Granite Wellness Centers et al.*, Nevada County
6 Superior Court Case No. CU20-084680; *Smith, et al. v. Clean Harbors Environmental Services,*
7 *Inc.*, Sacramento County Superior Court Case No. 34-2021-00292526; *Correa et al. v. FedEx*
8 *Supply Chain, Inc.*, San Bernardino County Superior Court Case No. CIVDS2023369; *Meguro v.*
9 *Silicon Valley Bank*, Santa Clara County Superior Court Case No. 20CV369854; and *Linaki v.*
10 *Genji Pacific, LLC*, Alameda County Superior Court Case No. RG20074795. Additionally, I
11 have been approved at an hourly rate of \$850.00 by various courts in a number of matters,
12 including most recently in *Audycki v. Stanford Health Care*, Santa Clara Superior Court Case No.
13 19CV347173 and *Palomino v. Northrop Grumman Systems Corporation*, Santa Clara Superior
14 Court Case No. 19CV345534.

15 11. As of January 1, 2024, my hourly rate for class and representative actions
16 increased to \$900.00 per hour. I was approved at an hourly rate of \$900.00 in *Jordan v.*
17 *Mondelez Global LLC*, San Bernardino County Case No. CIVSB2202758.

18 12. The total lodestar for my hours will be approximately \$51,030.00 based on an
19 hourly rate of \$900.00 per hour.

20 13. Any remaining monies from uncashed settlement checks will be distributed to the
21 *cy pres* beneficiary, Legal Aid At Work. Plaintiff's Counsel does not have any relationship with
22 or connection to said organization.

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

25 Executed on this 11th day of March 2024, at Los Angeles, California.

26 
Larry W. Lee

EXHIBIT A

**Montoya v. Draeger's
Larry W. Lee Time and Task Chart**

Hours	Description of Work
6.8	Review client documents and background information; confer with co-counsel re claims to be filed
5.1	Draft PAGA letter; review and revise complaint and amended complaint
3.7	Review court scheduling orders; review and revise joint CMC statements; attend CMC conferences
8.4	Confer with counsel re mediation and data needed for mediation; review class member data for mediation
11.8	Review and revise mediation brief; attend mediation
6.6	Review and revise long form settlement agreement; confer with counsel re changes to same
3.8	Review and revise Motion for Preliminary Approval and supporting documents
3.9	Review court order motion for preliminary approval; review and revise supplemental documents for same
2.7	Confer with class members re settlement issues
3.9	Review and revise Motion for Final Approval and supporting documents
56.7	TOTAL HOURS