

Larry W. Lee (State Bar No. 228175)
lwlee@diversitylaw.com
Christine S. Lee (State Bar No. 339947)
christine@diversitylaw.com
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa St., Suite 1250
Los Angeles, California 90071
Tel: (213) 488-6555 / Fax: (213) 488-6554

William L. Marder (State Bar No. 170131)
bill@polarislawgroup.com
POLARIS LAW GROUP
501 San Benito Street, Suite 200
Hollister, California 95023
Tel: (831) 531-4214 / Fax: (831) 634-0333

Edward W. Choi (State Bar No. 211334)
edward.choi@choiandassociates.com
LAW OFFICES OF CHOI & ASSOCIATES
515 S. Figueroa St., Suite 1250
Los Angeles, California 90071
Tel: (213) 381-1515 / Fax: (213) 465-4885

Attorneys for Plaintiff JAVIER MARIN

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

THERESA BENDORF, JAVIER MARIN, and
KRISTY PRATHER, on behalf of themselves
and others similarly situated, and on behalf of
other aggrieved employees pursuant to the
California Private Attorneys General Act;

Plaintiffs,

v.

SEA WORLD LLC, a Delaware limited liability
company doing business as SEAWORLD SAN
DIEGO or AQUATICA SAN DIEGO;
SEAWORLD PARKS & ENTERTAINMENT,
INC., a Delaware corporation; and DOES 1
through 25, inclusive,

Defendants.

Lead Case No. 37-2021-00034922-CU-OE-CTL

Other Included Actions:

Case No. 37-2021-00036521-CU-OE-CTL
Case No. 37-2021-00049040-CU-OE-CTL
Case No. 37-2021-00047859-CU-OE-CTL
Case No. 37-2022-00001083-CU-OE-CTL

CLASS AND REPRESENTATIVE ACTION

**DECLARATION OF LARRY W. LEE IN
SUPPORT OF PLAINTIFFS' MOTION FOR
FINAL APPROVAL OF CLASS ACTION
AND PAGA SETTLEMENT**

Date: September 13, 2024
Time: 1:30 P.M.
Department: C-69
Judge: Hon. Katherine A. Bacal

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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., one of the attorneys of record for Plaintiff Javier Marin (“Plaintiff”). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

FAIRNESS OF SETTLEMENT

2. I am one of the primary attorneys on this matter. The Class Action and PAGA Settlement Agreement (“Settlement Agreement”) was the product of negotiation between highly able and experienced attorneys on both sides who possessed the relevant data, which they carefully analyzed.

3. Prior to the mediation, Defendants produced data relevant to the potential value of the claims, including a sampling of time and payroll data, demographic points, paystubs, and other data and information. Using this information, Class Counsel conducted a full damages and penalty analysis. Thus, Plaintiffs negotiated the settlement amount based on a clear understanding of the maximum exposure in this case.

4. Based on my own independent investigation and evaluation, I am of the opinion that the settlement is fair, reasonable, and adequate and that the settlement is in the best interests of the Class, in light of all known circumstances and the expenses and risks inherent in litigation. I also believe in the fairness of the settlement based on factoring in the uncertainty and risks to Plaintiffs involved in not prevailing at class certification and/or at trial, and the possibility of appeals. The settlement was negotiated at arm's length and resulted after a full day of mediation and subsequent negotiations with neutral Jeff Krivis, Esq.

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

ATTORNEYS' FEES & COSTS

6. I am one of the primary attorneys on this matter. 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 practiced law as an associate at the Los Angeles County offices of Ogletree Deakins Nash Smoak & Stewart, P.C., a national employment defense law firm that represents a significant number of Fortune 500 companies.

7. My firm's primary focus is employment law. I have handled a number of wage and hour matters including class actions and multiple-plaintiff actions. I have a practice that encompasses cases in the various California Courts, and the United States District Courts for the Central, Eastern, Southern and Northern Districts of California.

8. I have been named as Class Counsel in a number of class actions that have been granted final approval by various California Courts, and the United States District Court for the Northern, Central, Eastern and Southern Districts of California, including, but not limited to, the following Class Actions: *Chan Lanier v. Citigroup, Inc. et al.*, San Francisco Superior Court Case No. CGC-05-445143; *Naqvi v. Acoustic Home Loans et al.*, Orange County Superior Court Case No. 05CC00263; *Ortega v. AIG*, Central District of California Case No. CV 06-0196-RSWL (PJWx); Universal Protection Overtime Cases, Orange County Superior Court, Judicial Council Coordination Proceeding No. 4480; *Hernandez v. CVS Corp. et al.*, Judicial Council Coordination Proceeding No. 4539; *Stafford v. Brinks et al.*, Los Angeles County Superior Court Case No. BC532260; *Chavez v. Kenneth Cole Productions, Inc.*, Santa Clara Superior Court Case No. 17CV306407; *Chavez v. Adidas*, U.S. District Court for the Northern District of California Case No. 5:16-cv-06533-LHK; *Mankin v. Taste Catering*, San Mateo Superior Court Case No. 17-CIV-03497; *Ricardo Macias v. SASCO*, Santa Clara County Superior Court Case No. 16CV304263; *Valles v. Community Hospital of the Monterey Peninsula*, Monterey Superior Court Case No. 17CV003452; *Diaz v. WeDriveU*, Santa Clara Superior Court Case No. 17CV306547; *Sanchez v. American Para Professional Systems, Inc.*, Santa Clara County Superior Court Case No. 17CV306751;

1 *Hernandez v Pei Wei*, United States District Court, Central District of California Case No. 8:17-cv-
2 00679-JLS-JCG; *Song v. THC-Orange County, Inc.*, U.S. District Court for the Central District of
3 California Case No. 8:17-cv00965-JLS-DFMx; *Perez v. Standard Drywall, Inc.*, Alameda County
4 Superior Court Case No. RG15761142; *Huertas v. Chevron Stations*, Santa Clara Superior Court Case
5 No. 17CV309996; and *In re DirecTv Wage and Hour Cases*, JCCP Case No. 4850.

6 9. To date, I have incurred approximately 54.2 hours in the prosecution of this matter, with
7 an hourly rate of \$900.00 per hour. I anticipate spending an additional 5 hours through final approval
8 and post-approval, including conferring with class members, defense counsel, and the administrator, as
9 well as preparing for and appearing for the hearing of the Motion for Final Approval. The total lodestar
10 for my hours will be approximately \$53,280.00. Attached as **Exhibit A** is a summary of my hours and
11 tasks on this matter.

12 10. I was approved at an hourly rate of \$800.00 per hour in *Martinez and Acosta v. City of*
13 *Hope National Medical Center, et al.*, San Bernardino County Superior Court Case No.
14 CIVDS2015729; *Jaime Moen v. Genentech, Inc.*, San Diego County Superior Court Case No. 37-2021-
15 00008619-CU-OE-CTL; *Murray v. Granite Wellness Centers et al.*, Nevada County Superior Court
16 Case No. CU20-084680; *Smith, et al. v. Clean Harbors Environmental Services, Inc.*, Sacramento
17 County Superior Court Case No. 34-2021-00292526; *Correa et al. v. FedEx Supply Chain, Inc.*, San
18 Bernardino County Superior Court Case No. CIVDS2023369; *Meguro v. Silicon Valley Bank*, Santa
19 Clara County Superior Court Case No. 20CV369854; and *Linaki v. Genji Pacific, LLC*, Alameda County
20 Superior Court Case No. RG20074795. Additionally, I have been approved at an hourly rate of \$850.00
21 by various courts in a number of matters, including most recently in *Audycki v. Stanford Health Care*,
22 Santa Clara Superior Court Case No. 19CV347173; *Palomino v. Northrop Grumman Systems*
23 *Corporation*, Santa Clara Superior Court Case No. 19CV345534; *Lakey v. Poshmark, Inc.*, Santa Clara
24 Superior Court, Case No. 22CV395084; *Stephenson v. Healthcare Services, Inc.*, Orange County
25 Superior Court Case No. 30-2019-01078609-CU-OE-CXC; and *Medina v. United Airlines, Inc.*, Los
26 Angeles Superior Court, Case No. BC624742.

27 11. As of January 1, 2024, my hourly rate for class and representative actions increased to
28 \$900.00 per hour, which is typical of attorneys in the community that have been practicing for over 20

1 years. Indeed, I have personal knowledge, many of my colleagues and opposing counsel are currently
2 billing at rates much higher than \$900.00 per hour. Further, I have been approved at an hourly rate of
3 \$900.00 in *Jordan v. Mondelez Global LLC*, San Bernardino County Case No. CIVSB2202758; *Bolding*
4 *v. Cardinal Financial Company*, San Bernardino County Case No. CIVSB2206543

5 12. To date, my office has incurred \$2,580.50 in costs. The costs are all litigation-related
6 costs, including filing fees, service of process costs, and mediation fees. Attached hereto as **Exhibit B** is
7 a copy of costs my firm has incurred in connection with the prosecution of this lawsuit.

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

10 Executed on this 21st day of August 2024, at Los Angeles, California.

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EXHIBIT A

Javier Marin v. Sea World
Larry W. Lee Time and Task Chart

Hours	Description of Work
1.4	Review client documents; confer with co counsel re theories of case; research potential causes of action and viability of same
1.2	Review and revise complaint and PAGA letter
0.4	Review initial court notices and guidelines
1.3	Review prior wage and hour class action lawsuits filed against Defendant
0.8	Review pleadings and settlement documents in <i>Jones v. Seaworld</i>
1.4	Confer with counsel re CMC and case issues; review and revise CMC statement
2.2	Extensive meet and confer with opposing counsel re demurrer and motion to strike; review case law from Defendant re same; provide case law to Defendant re same
2.4	Review Defendant's demurrer and motion strike; prepare preliminary opposition to same; legal research re same
2.6	Review and revise FAC; review and revise supplemental PAGA letter; review and revise stipulation for filing of same
3.1	Review and revise first set of written discovery to Defendant
2.2	Extensive discussions with Defendant's counsel re mediation; review and revise stipulation to stay case
1.3	Meet and confer with Defendant re data to be produced for mediation
1.1	Review class data produced by Defendant; review and revise class damages re same
2.4	Review and revise mediation brief; legal research re same
8.0	Prepare for and attend full day global mediation with Jeff Krivis
1.9	Review and revise MOU; confer with counsel re same; confer with client re settlement terms
1.5	Review/revise First Amended Consolidated Complaint; Confer with co-counsel regarding the same
2.4	Review and revise long form settlement documents; conferences with opposing counsel re same; confer with client re same
4.1	Review and revise Motion for Preliminary Approval and supporting documents
1.3	Review court's first tentative re motion for preliminary approval; meet and confer with Defendant re same; review and revise supplemental brief re same; legal research re same

1.4	Review court's second tentative re motion for preliminary approval; attend hearing re same; meet and confer with Defendant re same; review and revise 2 nd supplemental brief re same; legal research re same
1.2	Revise proposed order re preliminary approval; meet and confer with counsel re same
2.3	Review weekly reports from administrator re settlement responses
1.4	Confer with class members re settlement issues
4.9	Review and revise Motion for Final Approval and supporting documents
54.2	TOTAL HOURS

EXHIBIT B

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DIVERSITY LAW GROUP
Slip Listing

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Selection Criteria

Slip.Classification Open
Client (hand select) Include: Marin, Javier v. Sea CA
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		
69909	EXP	Linda Lee	1	50.00	50.00
11/5/2021		Online researc			
WIP		Marin, Javier v. Sea CA			
Online SD Superior Court					
69698	EXP	Mariana Becerra	1	75.00	75.00
11/8/2021		Court fees			
WIP		Marin, Javier v. Sea CA			
LWDA					
70030	EXP	Olympia	2	0.25	0.50
11/30/2021		Photocopies			
WIP		Marin, Javier v. Sea CA			
Photocopies					
70031	EXP	Olympia	1	7.33	7.33
11/30/2021		Postage			
WIP		Marin, Javier v. Sea CA			
Postage					
70417	EXP	Christine S. Lee	1	12.35	12.35
1/14/2022		Court fees			
WIP		Marin, Javier v. Sea CA			
One Legal - Notice of Related Case					
70861	EXP	Olympia	1	1.56	1.56
1/31/2022		Postage			
WIP		Marin, Javier v. Sea CA			
Postage					
71332	EXP	Erika Mejia	1	19.05	19.05
4/7/2022		Court fees			
WIP		Marin, Javier v. Sea CA			
OneLegal - CMS					
73395	EXP	Larry W. Lee	1	10.90	10.90
8/22/2022		Meals			
WIP		Marin, Javier v. Sea CA			
Meal					

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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		
73396	EXP	Larry W. Lee	1	35.53	35.53
8/22/2022		Meals			
WIP		Marin, Javier v. Sea CA			
Meal					
74726	EXP	Erika Mejia	1	18.48	18.48
3/23/2023		Court fees			
WIP		Marin, Javier v. Sea CA			
OneLegal - CMS					
74786	EXP	Valeria Tril	1	17.45	17.45
4/4/2023		Court fees			
WIP		Marin, Javier v. Sea CA			
OneLegal - Notice of Remote Appearance					
74999	EXP	Erika Mejia	1	19.51	19.51
4/28/2023		Court fees			
WIP		Marin, Javier v. Sea CA			
OneLegal - POS					
75124	EXP	Valeria Tril	1	16.42	16.42
5/11/2023		Court fees			
WIP		Marin, Javier v. Sea CA			
OneLegal - Notice of Remote Appearance					
75214	EXP	Erika Mejia	1	40.10	40.10
5/23/2023		Court fees			
WIP		Marin, Javier v. Sea CA			
OneLegal - Stip					
75886	EXP	Erika Mejia	1	20.54	20.54
8/11/2023		Court fees			
WIP		Marin, Javier v. Sea CA			
OneLegal - Statement					
76336	EXP	Erika Mejia	1	20.54	20.54
10/10/2023		Court fees			
WIP		Marin, Javier v. Sea CA			
OneLegal - Joint Status Report					
76382	EXP	Valeria Tril	1	18.48	18.48
10/12/2023		Court fees			
WIP		Marin, Javier v. Sea CA			
OneLegal - Notice of Remote Appearance					
76482	EXP	Olympia	1	20.54	20.54
10/31/2023		Court fees			
WIP		Marin, Javier v. Sea CA			
OneLegal - Notice					

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DIVERSITY LAW GROUP
Slip Listing

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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
77209 EXP 1/10/2024 WIP OneLegal - Notice of Remote Appearance	Valeria Tril Court fees Marin, Javier v. Sea CA	1	20.54	20.54
77263 EXP 1/20/2024 WIP OneLegal - Notice	Olympia Court fees Marin, Javier v. Sea CA	1	15.39	15.39
78436 EXP 1/20/2024 WIP OneLegal - eservice charge	Olympia Court fees Marin, Javier v. Sea CA	1	10.00	10.00
78260 EXP 4/18/2024 WIP Attorney Service - Joint Order	Erika Mejia Atty Service Marin, Javier v. Sea CA	1	57.24	57.24
78144 EXP 4/23/2024 WIP OneLegal - Statement	Erika Mejia Court fees Marin, Javier v. Sea CA	1	15.39	15.39
78481 EXP 4/23/2024 WIP OneLegal - eservice charge	Erika Mejia Court fees Marin, Javier v. Sea CA	1	10.00	10.00
79036 EXP 8/14/2024 WIP Final Approval Costs	Christine S. Lee Court fees Marin, Javier v. Sea CA	1	250.00	250.00
Grand Total	Billable Unbillable Total	0.00 0.00 0.00		782.84 0.00 782.84

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Slip Listing

Page 1

Selection Criteria

Slip Classification Open
Client (hand select) Include: Marin, Javier v. Sea PAGA
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		
70285	EXP	Christine S. Lee	1	1489.69	1489.69
1/11/2022		Court fees			
WIP		Marin, Javier v. Sea PAGA			
OneLegal - Complaint					
70418	EXP	Christine S. Lee	1	12.35	12.35
1/14/2022		Court fees			
WIP		Marin, Javier v. Sea PAGA			
One Legal - Notice of Related Case					
72450	EXP	Erika Mejia	1	16.99	16.99
7/13/2022		Court fees			
WIP		Marin, Javier v. Sea PAGA			
OneLegal - CMS					
72589	EXP	Valeria Tril	1	19.05	19.05
7/28/2022		Court fees			
WIP		Marin, Javier v. Sea PAGA			
OneLegal - Notice of Remote Appearance					
73230	EXP	Christine S. Lee	1	23.16	23.16
10/6/2022		Court fees			
WIP		Marin, Javier v. Sea PAGA			
OneLegal - CMS					
73384	EXP	Valeria Tril	1	22.13	22.13
10/17/2022		Court fees			
WIP		Marin, Javier v. Sea PAGA			
OneLegal - Notice of Remote Appearance					
73981	EXP	Erika Mejia	1	21.10	21.10
1/5/2023		Court fees			
WIP		Marin, Javier v. Sea PAGA			
OneLegal - CMS					
74269	EXP	Valeria Tril	1	19.51	19.51
1/25/2023		Court fees			
WIP		Marin, Javier v. Sea PAGA			
OneLegal - Notice of Remote Appearance					

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Slip Listing

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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
74769 EXP 3/30/2023 WIP OneLegal - Notice of Remote Appearance	Valeria Tril Court fees Marin, Javier v. Sea PAGA	1	15.39	15.39
75321 EXP 5/30/2023 WIP OneLegal - Stip	Erika Mejia Court fees Marin, Javier v. Sea PAGA	1	39.07	39.07
77113 EXP 1/4/2024 WIP OneLegal - CMS	Erika Mejia Court fees Marin, Javier v. Sea PAGA	1	18.48	18.48
77257 EXP 1/18/2024 WIP OneLegal - Notice of Remote Appearance	Valeria Tril Court fees Marin, Javier v. Sea PAGA	1	15.39	15.39
78160 EXP 4/26/2024 WIP OneLegal - CMS	Erika Mejia Court fees Marin, Javier v. Sea PAGA	1	18.48	18.48
78166 EXP 4/26/2024 WIP OneLegal - POS of Summons & N&A	Erika Mejia Court fees Marin, Javier v. Sea PAGA	1	15.39	15.39
78183 EXP 5/1/2024 WIP OneLegal - CMS	Erika Mejia Court fees Marin, Javier v. Sea PAGA	1	51.48	51.48
Grand Total	Billable Unbillable Total	0.00 0.00 0.00		1797.66 0.00 1797.66