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Attorneys for Plaintiff and the Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO**

VINCENT RAMSEY JR., individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

PACKAGING CORPORATION OF AMERICA,
et al.,

Defendants.

VINCENT RAMSEY JR., individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

PACKAGING CORPORATION OF AMERICA,
et al.,

Defendants.

Case No. 34-2021-00313350-CU-OE-GDS
[Consolidated with 34-2022-00316273-CU-OE-GDS]

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

Date: November 17, 2023

Time: 9:00 a.m.

Dept.: 28

Complaint Filed: December 29, 2021

FAC Filed: July 1, 2022

Trial Date: None

DECLARATION OF MAX W. GAVRON

I, Max W. Gavron, 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 Vincent Ramsey Jr. ("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 Stipulation re: Settlement of Class and PAGA Action ("Agreement" or "Settlement Agreement") was the product of negotiation between highly able and experienced attorneys on both sides who possessed the relevant data and legal research which they had carefully analyzed. Class Counsel engaged in extensive factual investigation before settling, including reviewing class data and Defendant's pertinent policies and practices relevant to valuing this case. This allowed Plaintiff to conduct a full damage analysis.

3. Further, the Class Notice provided Class Members with my office's contact information, where they could further seek information regarding the settlement, leave questions for the Settlement Administrator, and update their address.

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

5. 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.

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

1 7. Plaintiff signed a written retainer agreement that governs my firm and my co-
2 counsel's representation of him in this action. The written agreement expressly provides that the
3 fees ultimately approved by the Court will be split between counsel. Pursuant to the written
4 agreement, Diversity Law Group will receive two-thirds (2/3) of the legal fees recovered and
5 Webber & Egbert Employment Law, P.C. (formerly Webber Law Group, P.C.) will receive one-
6 third (1/3) of the legal fees recovered. The written agreement advised Plaintiff that the agreement
7 to split legal fees would not increase the fees owed by Plaintiff for his representation.

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

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

20 10. From February 2016, through Fall 2017, I practiced at the international law firm
21 of Arnold & Porter, which had recently merged with Kaye Scholer, LLP. I defended Fortune 50
22 companies in Multi-District Litigation primarily in the product liability sphere. I also
23 successfully drafted an appellate brief in the Ninth Circuit resulting in the reversal of a summary
24 judgment decision regarding trade secret issues, in addition to working in several other practice
25 groups.

26 11. From September 2017, through September 2018, I served as a law clerk to a
27 Judge sitting on the United States District Court, Central District of California. I regularly
28 prepared bench memoranda, on cases involving all types of civil litigation, including regularly

1 working on wage and hour class actions.

2 12. I am currently an associate at the law firm Diversity Law Group, P.C., an
3 employment law firm that has handled numerous wage and hour class and individual actions, on
4 both plaintiff and defense sides. My current practice focuses on employment matters involving
5 both class actions, and single plaintiffs. The firm currently has cases in the Los Angeles Superior
6 Courts, the Orange County Superior Courts, the San Diego County Superior Courts, and the
7 United States District Courts for the Central, Northern, and Eastern Districts of California. I am
8 currently handling, or have handled, numerous wage and hour class action lawsuits with the firm,
9 including, but not limited to: *Agar v. Sensient Natural Ingredients, LLC* (Case No. CV-19-
10 001906, Stanislaus County Superior Court); *Heredia v. Eddie Bauer LLC* (Case No.
11 16CV300475, United States District Court, Northern District of California); *Parsons v. Estenson*
12 *Logistics, LLC* (Case No. 34-2019-00252929, Sacramento County Superior Court); and *Rodas v.*
13 *Goodyear Tire* (Case No. 21-cv-07526, United States District Court, Central District of
14 California), among many others.

15 13. On June 14, 2019, I argued two related cases in front of the Ninth Circuit Court of
16 Appeals. One of them was *Rodriguez v Nike Retail Service Inc.*, Case No. 17-16866. On June 28,
17 2019, the Ninth Circuit issued a published decision, reversing and remanding in favor of our
18 clients. *Rodriguez v. Nike Retail Servs., Inc.*, 928 F.3d 810 (9th Cir. 2019).

19 14. I have also assisted the firm in numerous wage and hour class action mediations.

20 15. To date, I have incurred approximately 175.8 hours in connection with the
21 litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have incurred
22 to date. I also anticipate spending an additional 10 hours handling post-approval matters like
23 responding to class member inquiries, corresponding with the Settlement Administrator and
24 addressing post-approval filings.

25 16. Including 10 hours of anticipated time, the total lodestar for my hours will be
26 approximately \$111,480.00 based on an hourly rate of \$600.00 per hour (185.8 hours x \$600). I
27 have been approved at \$600.00 per hour in *Weybrew v. BEI Construction*, Solano County
28 Superior Court Case No. FCS055658 (January 14, 2022), *In re See's Candies Wage and Hour*

1 *Cases*, Case No. JCCP5004 (March 30, 2022), Los Angeles Superior Court, *Pevey v. Lumber*
2 *City Corp*, San Bernardino County Superior Court Case No. CIVDS2010240 (May 2, 2022),
3 *Ross v Stater Bros. Markets*, San Bernardino County Superior Court Case No. CIVDS1902518
4 (September 8, 2022), and *Schneider v. Amazon Retail LLC*, Los Angeles County Superior Court
5 Case No. 21STCV26226 (December 1, 2022), *Negrete v. Winsupply, Inc., et al.*, Orange County
6 Superior Court Case No. 30-2021-01188066-CU-OE-CXC (July 14, 2023). Prior to that
7 throughout 2020 and 2021, I was approved at an hourly rate of at \$550.00 per hour in *James v*
8 *RADC Enterprises, Inc.*, San Bernardino County Superior Court, Case No. CIV-DS1933035
9 (September 29, 2020), *Hector Luna v. Triple Canopy, Inc.*, Santa Clara County Superior Court,
10 Case No. 19CV345169 (October 22, 2020), *Melbert Magpugay v. Harbor Electronics, Inc.*,
11 Santa Clara County Superior Court Case No. 19CV352547 (January 27, 2021), *Foster v.*
12 *Schindler Elevator Corp.*, Alameda County Superior Court Case no. RG19029640 (March 2,
13 2021), *Martin v. Streetplus Company, LLC, et al*, Los Angeles Superior Court Case No.
14 19STCV15522 (July 13, 2021), *Morris v. Blue Mountain Enterprises, LLC*, Solano County
15 Superior Court, Case No. FCS05.858 (August 4, 2021).

16 17. Combining the lodestar of myself, Mr. Lee, Mr. Webber, and Ms. Tulyathan
17 results in a total anticipated lodestar of \$206,085.00, which results in a modest multiplier of 1.57
18 \$325,000.00 (requested fees) ÷ \$206,085.00 (lodestar amount)).

19 18. I do not have any affiliation or conflict of interest with the proposed cy pres
20 recipient, Center for Employment Opportunities.

21 19. Concurrent with the filing of Plaintiff's Motion, my office uploaded the motion
22 and proposed order to the LWDA's website.

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 25th day of October 2023, at Los Angeles, California.

26 
27 Max W. Gavron
28

EXHIBIT A

Ramsey v. Packaging Corporation of America, et. al. (as consolidated)
Max W. Gavron Time and Task Chart

Hours	Description of Work
14.1	Initial research and review of background facts in preparation for filing of claims; draft PAGA letter; confer with co-counsel re theories of liability and conduct research re same; analysis and research re defendants
3.4	Conduct legal research re display of total hours worked on wage statements and compliance with Labor Code § 226 to prepare theories of case and draft complaint.
8.6	Interview Plaintiff and potential witnesses to address theories of liability and understand pay structure implemented in California.
4.7	Draft and revise class action complaint and PAGA complaint; confer with co-counsel re same; analyze and review Defendants' answers to same.
1.1	Analysis, research, and strategy re assignment to Judge and evaluation re initial court notices
3.6	Meet and confer with Defendants' counsel re complex case management order; confer regarding separately filed PAGA and class cases and determine whether Defendants amenable to consolidation.
2.3	Draft and revise stipulation to consolidate; confer with defense counsel re same.
6.5	Draft and revise motion to consolidate and supporting documents; confer with defense counsel re same; analyze and review Court's tentative ruling re same.
2.1	Draft and revise consolidated First Amended Complaint; confer with co-counsel; analyze and review Defendants' answer to same.
1.0	Draft and revise case management statement in advance of October 2022 CMC; meet and confer with defense counsel re same; analyze and review court's tentative ruling re same.
5.5	Draft and revise first set of written discovery to both Defendants; analyze and review client documents and file to prepare same.
4.2	Draft and revise draft PMQ deposition notice categories; confer with co-counsel re same; analyze and review documents to prepare same.
2.9	Confer with defense counsel re prospect of mediation; confer with co-counsel re same; research potential mediators and confer re same.
.9	Meet and confer with defense counsel and draft and revise CMC statements in advance of January and March 2023 CMCs.
5.7	Analyze and review pleadings to determine information necessary for Defendant to produce in advance of mediation prior to participating in

Hours	Description of Work
	mediation; conduct legal research re same; draft and revise requests re same; confer with co-counsel re same.
4.3	Confer with co-counsel re review of data produced by Defendant in advance of mediation; analyze and review data produced by Defendant to assist in damages exposure analysis advance of mediation.
7.4	Research related cases; analyze docket and complaints re same to evaluate whether overlapping claims; conduct research re potential impact of second filed case and potential for overlapping judgments; confer with co-counsel re same.
10.2	Draft and revise mediation brief; conduct legal research for same; review of case law; review damages exposure in advance of mediation; confer with co-counsel; research prior settlements and verdicts for similar claims to prepare for mediation.
12.9	Prepare for, and attend, mediation; confer with and co-counsel client re same.
1.3	Follow up conversations with mediator and defense counsel after unsuccessful mediation; confer with client and co-counsel re same.
6.1	Draft and revise outline for meet and confer following failed mediation re outstanding discovery issues and to request responses; analyze and review Defendant's responses and objections to written discovery; confer with co-counsel re strategy for further litigation following mediation.
8.3	Further negotiations with defense counsel re settlement; confer with mediator re same; conduct additional legal research to rebut additional claimed defenses.
10.5	Review and revise settlement agreement and supporting documents; conversations with opposing counsel re same; confer with co-counsel re terms of settlement agreement and make revisions considering same.
15.8	Draft and revise motion for preliminary approval and supporting documents; confer with co-counsel re the same; conduct legal research re same; analyze and review court's tentative re same; draft and revise supplemental declaration and amended proposed order and class notice considering court's tentative ruling.
6.5	Confer with settlement administrator and defense counsel re distribution of notice; confer with co-counsel re same.
18.1	Field calls from class members following notice process; respond to inquiries re same; correspond with administrator and co-counsel re same; analyze and review file in response to inquiries and correspond with administrator re responses.
7.8	Draft and revise motion for final approval and supporting documents; confer with co-counsel and client re same.

Hours	Description of Work
175.8	TOTAL HOURS