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17 Attorneys for Plaintiff,
18 JUAN RAMON TORRES REYES on behalf of himself
19 and all similarly aggrieved employees

20 **SUPERIOR COURT OF CALIFORNIA**

21 **COUNTY OF MONTEREY**

22 JUAN RAMON TORRES REYES, on behalf
23 of himself and all similarly aggrieved
24 employees,

25 Plaintiff,

26 v.

27 MB LABOR CONTRACTING, INC.;
28 D'ARRIGO BROS. CO., OF CALIFORNIA;
and DOES 1 through 50, inclusive,

Defendants.

Case No. 22CV000682

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

Date: December 13, 2024

Time: 8:30 A.M.

Dept.: 14

Complaint Filed: March 11, 2022

Trial Date: None Set

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1 Group – distributed the Notice Packet to 822 Class Members.¹ Class Counsel believes that the
2 positive results after the mailing of the Notice Packet support confirmation of the Court’s
3 preliminary approval of the settlement with final approval of the settlement. The settlement
4 has a 100% participation rate. In light of this positive response from Class Members, an
5 inference can be made that the Class supports the Court’s Preliminary Approval Order finding
6 that the Settlement Agreement is fair and reasonable.

7 7. There were no objections or disputes to the amount of attorneys’ fees or
8 litigation costs that Class Counsel seeks in this case and for which Plaintiff ask the Court for
9 final approval.

10 8. Timely notice of the PAGA settlement was provided to the California Labor and
11 Workforce Development Agency (“LWDA”) pursuant to Cal. Lab. Code § 2699(1)(2) and no
12 objections or disputes to the settlement by the LWDA were received by Plaintiff’s counsel.

13 9. Any remaining monies from uncashed settlement checks will be distributed to
14 the *cy pres* recipient State Bar of California Justice Gap Fund, a non-profit organization, in
15 accordance with Code of Civil Procedure § 384. I do not have any relationship with or
16 connection to said organization.

17 10. 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 11. I am one of the primary attorneys on this matter. My qualifications are as
20 follows: I received a full-tuition scholarship, and graduated from Southwestern Law School in
21 2013, magna cum laude. I was in the top 5% of my class. During my time at Southwestern, I
22 was a Notes and Comments Editor on the Southwestern Law Review. I also received awards
23 for achieving the highest grade in my class in several courses. In 2012, I was a full-time
24 extern, at the United States District Court for the Central District. Immediately after law
25 school, I taught several courses at Southwestern, including Principles of Legal Analysis and

26 ¹ The settlement class is even smaller than originally estimated at preliminary approval. This
27 increases the average *pro rata* recovery higher than addressed at preliminary approval further
28 supporting Plaintiff’s request that the Court finally approve the settlement. As explained, the
number of workweeks did not exceed the escalation clause, further preserving the value of the
settlement.

1 Legal Methods. I taught those courses for approximately four years.

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

7 13. From February 2016, through Fall 2017, I practiced at the international law firm
8 of Arnold & Porter, which had recently merged with Kaye Scholer, LLP. I defended Fortune
9 50 companies in Multi-District Litigation primarily in the product liability sphere. I also
10 successfully drafted an appellate brief in the Ninth Circuit resulting in the reversal of a
11 summary judgment decision regarding trade secret issues, in addition to working in several
12 other practice groups.

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

17 15. I am currently an attorney at the law firm Diversity Law Group, P.C., an
18 employment law firm that has handled numerous wage and hour class and individual actions,
19 on both plaintiff and defense sides. My current practice focuses on employment matters
20 involving both class actions, and single plaintiffs. The firm currently has cases in the Los
21 Angeles Superior Courts, the Orange County Superior Courts, the San Diego County Superior
22 Courts, and the United States District Courts for the Central, Northern, and Eastern Districts of
23 California. I am currently handling, or have handled, numerous wage and hour class action
24 lawsuits with the firm, including, but not limited to: *Agar v. Sensient Natural Ingredients, LLC*
25 (Case No. CV-19-001906, Stanislaus County Superior Court); *Heredia v. Eddie Bauer LLC*
26 (Case No. 16CV300475, United States District Court, Northern District of California);
27 *Parsons v. Estenson Logistics, LLC* (Case No. 34-2019-00252929, Sacramento County
28 Superior Court); and *Rodas v. Goodyear Tire* (Case No. 21-cv-07526, United States District

1 Court, Central District of California), among many others.

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

6 17. I have also assisted the firm in numerous wage and hour class action mediations.

7 18. To date, I have incurred approximately 89.8 hours in connection with the
8 litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have
9 incurred to date.

10 19. I typically bill my time at \$650.00 per hour and have been approved at \$650.00
11 per hour in *Jaramillo v. USS-UPI, LLC*, Contra Costa County Case No. C22-00641 (April 24,
12 2024), *Conner v Red Wing Brands of America, Inc.*, San Mateo County Case No. 22CIV03830
13 (August 12, 2024), and *Buford, et al. v. Estenson Logistics, LLC, et al.*, San Bernardino
14 County Case No. CIVSB2133332 (October 23, 2024). Prior to that, I was approved at \$600
15 per hour in *Weybrew v. BEI Construction*, Solano County Superior Court Case No.
16 FCS055658 (January 14, 2022), *In re See's Candies Wage and Hour Cases*, Case No.
17 JCCP5004 (March 30, 2022), Los Angeles Superior Court, *Pevey v. Lumber City Corp*, San
18 Bernardino County Superior Court Case No. CIVDS2010240 (May 2, 2022), *Anguiano v.*
19 *Mann Packing Co., Inc.*, Monterey County Superior Court Case No. 19CV001178 (August 25,
20 2022); *Ross v Stater Bros. Markets*, San Bernardino County Superior Court Case No.
21 CIVDS1902518 (September 8, 2022), and *Schneider v. Amazon Retail LLC*, Los Angeles
22 County Superior Court Case No. 21STCV26226 (December 1, 2022). Prior to that throughout
23 2020 and 2021, I was approved at an hourly rate of at \$550.00 per hour in *James v RADC*
24 *Enterprises, Inc.*, San Bernardino County Superior Court, Case No. CIV-DS1933035
25 (September 29, 2020), *Hector Luna v. Triple Canopy, Inc.*, Santa Clara County Superior
26 Court, Case No. 19CV345169 (October 22, 2020), *Melbert Magpugay v. Harbor Electronics,*
27 *Inc.*, Santa Clara County Superior Court Case No. 19CV352547 (January 27, 2021), *Foster v.*
28 *Schindler Elevator Corp.*, Alameda County Superior Court Case no. RG19029640 (March 2,

2021), *Martin v. Streetplus Company, LLC, et al*, Los Angeles Superior Court Case No. 19STCV15522 (July 13, 2021), *Morris v. Blue Mountain Enterprises, LLC*, Solano County Superior Court, Case No. FCS05858 (August 4, 2021).

20. I believe \$650.00 per hour is a reasonable rate for my services as demonstrated by the many courts throughout California approving that rate. However, in this motion, I request a reduced hourly rate of \$500.00, which considers the jurisdiction where this Action was litigated. Accordingly, the total lodestar for my hours will be approximately \$44,900.00 based on an hourly rate of \$500.00 per hour [89.8 hours x \$500].

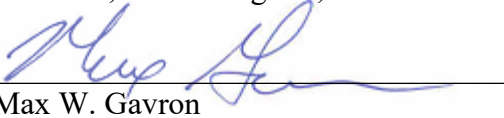
21. My office has incurred costs in the amount of \$114.60. The costs are all litigation related costs. Attached hereto as **Exhibit B** is copy of the costs incurred in connection with prosecution of this lawsuit.

22. On July 2, 2024, Plaintiff uploaded the Order Granting Motion for Preliminary Approval of Class Action Settlement to the LWDA's website. Attached hereto as **Exhibit C** is a copy of the LWDA confirmation of the uploaded Order Granting Motion for Preliminary Approval of Class Action Settlement.

23. Concurrent with the filing of this Motion, Plaintiff uploaded this motion and proposed order to the LWDA's website.

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

Executed on this 19th day of November 2024, at Los Angeles, California.


Max W. Gavron

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EXHIBIT A

Torres Reyes v. MB Labor Contracting, Inc.
Max W. Gavron Time and Task Chart

Hours	Description of Work
9.5	Initial research and review of background facts in preparation for filing of possible class action claims; review and revise PAGA letter; confer with co-counsel re theories of liability and conduct research re same; analysis and research re defendants
1.9	Analyze and review client's personnel file, including time and pay records; confer with co-counsel re same and strategize re theories of liability.
4.5	Draft and revise initial set of written discovery to both Defendants.
5.9	Analyze and review discovery responses provided by MB Labor; confer with co-counsel; evaluate and draft and revise meet and confer correspondence re same to address with defense counsel; analyze and review document production and further assess liability and damages given same.
4.1	Analyze and review discovery responses provided by D'Arrigo; confer with co-counsel; evaluate and draft and revise meet and confer correspondence re same to address with defense counsel.
1.9	Draft and revise second set of discovery to D'Arrigo.
4.3	Analyze and review responses of D'Arrigo to second set of discovery; confer with co-counsel re same; draft and revise meet and confer correspondence.
3.4	Meet and confer and draft and revise joint case management statements for several case management conferences throughout pendency of case.
7.5	Analyze and review discovery propounded by MB Labor to Plaintiff; confer with co-counsel re responses; analyze and review client documents to further inform responses; review and revise same.
1.2	Confer with defense counsel re potential for mediation and information required to participate the same.
6.1	Analysis, strategy, and research re information required from defendants to participate in mediation; draft and revise data requests for defense counsel in advance of mediation; confer with co-counsel re the same.
9.2	Analyze and review sampling of time and pay records; conduct damages analysis; confer with co-counsel re same; further review of documents produced by Defendants considering review of sampling of time and pay records; conduct further legal research in light of same.
3.4	Draft and revise mediation brief; confer with co-counsel re same; further review of Defendants' documents and legal research to finalize brief.
3.1	Multiple follow-up conversations with defense counsel re proposed settlement; draft and revise memorandum of understanding; confer with co-counsel and mediator re same.
8.2	Review and revise settlement agreement and related documents (i.e., settlement agreement, class notice); conversations with opposing counsel re same; confer

	with co-counsel re terms of settlement agreement and make revisions in light of same.
6.5	Draft and revise Motion for Preliminary Approval and Declarations thereto; confer with co-counsel and opposing counsel re same; draft and revise supplemental declaration in support of same.
.9	Analyze and review Court's preliminary approval order; confer with defense counsel and settlement administrator re same.
1.1	Correspond with settlement administrator regarding distribution of class notice; analyze and review reports from class administrator re distribution of notice and whether any disputes/objections/opt-outs received; correspond and confer with class members and respond to inquiries re settlement.
7.1	Draft and revise motion for final approval and supporting documents; confer with co-counsel and defense counsel re the same; confer with administrator to prepare declaration in support of final approval.
89.8	TOTAL HOURS

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EXHIBIT B

11/7/2024
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DIVERSITY LAW GROUP
Slip Listing

Page 1

Selection Criteria

Slip Classification Open
Client (hand select) Include: Reyes, Juan v. MB Labor
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		
75989	EXP	Erika Mejia	1	3.60	3.60
8/22/2023		Court fees			
WIP		Reyes, Juan v. MB Labor			
Odyssey - Stip to Cont Class Cert					
75993	EXP	Erika Mejia	1	24.15	24.15
8/22/2023		Court fees			
WIP		Reyes, Juan v. MB Labor			
Odyssey - Stip to Cont Class Cert					
76004	EXP	Erika Mejia	1	3.60	3.60
8/24/2023		Court fees			
WIP		Reyes, Juan v. MB Labor			
Odyssey - NOE					
76618	EXP	Erika Mejia	1	3.60	3.60
11/14/2023		Court fees			
WIP		Reyes, Juan v. MB Labor			
Odyssey - Joint CMS					
77741	EXP	Erika Mejia	1	3.60	3.60
3/11/2024		Court fees			
WIP		Reyes, Juan v. MB Labor			
Odyssey - Joint CMS					
78410	EXP	Olympia	1	65.25	65.25
6/6/2024		Court fees			
WIP		Reyes, Juan v. MB Labor			
Odyssey - MPA (resubmitted)					
78411	EXP	Olympia	1	3.60	3.60
6/6/2024		Court fees			
WIP		Reyes, Juan v. MB Labor			
Odyssey - MPA Decls & Prop Order					
78491	EXP	Erika Mejia	1	3.60	3.60
6/11/2024		Court fees			
WIP		Reyes, Juan v. MB Labor			
Odyssey - Supp MG Decl iso MPA					

11/7/2024
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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		
78672	EXP	Olympia	1	3.60	3.60
7/2/2024		Court fees			
WIP		Reyes, Juan v. MB Labor			
Odyssey - NOE					
Grand Total					
			Billable	0.00	114.60
			Unbillable	0.00	0.00
			Total	0.00	114.60

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EXHIBIT C

From: [DIR PAGA Unit](#)
To: [Olympia Pena](#)
Subject: Thank you for your Court Order or Judgment Submission
Date: Tuesday, July 2, 2024 1:41:44 PM

07/02/2024 01:41:28 PM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Court Order or Judgment

If you have questions or concerns regarding this submission or your case, please send an email to pagainfo@dir.ca.gov.

DIR PAGA Unit on behalf of
Labor and Workforce Development Agency

Website: http://labor.ca.gov/Private_Attorneys_General_Act.htm